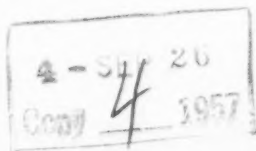


THE LIBRARY OF CONGRESS



# Quarterly Journal



OF CURRENT ACQUISITIONS

VOLUME 14 • AUGUST 1957 • NUMBER 4

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*From the Annual Report of the Librarian of Congress, 1940*

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## “The Dye is Cast . . .”

**I**N POPULAR tradition, July 4, 1776, is firmly fixed as the date on which the delegates to the Continental Congress took the decisive step of declaring the independence of the United States from Great Britain. This tradition, indelibly established by nearly two centuries of Fourth-of-July celebrations and attendant oratory, rests on the fact that the Declaration of Independence was adopted on that date; but the Declaration, great document though it is, was actually the explanation “to a candid world” of the action firmly taken two days earlier, on July 2, when the Congress had approved Richard Henry Lee’s resolution of independence. Moreover, both the resolution and the Declaration were the culmination of a long series of circumstances by which the various colonies, widely separated in their allegiances, came to agree on a common stand against the mother country. A letter recently acquired by the Library graphically illuminates some of these circumstances and pictures some of the soul-searching engaged in by those who made the final decision.

The letter was written by Thomas Stone, Maryland delegate to the Continental Congress, on May 20, 1776. Born in Charles County in 1743, Stone had practiced law in Frederick before taking his seat in the Congress on May 13, 1775. Few of his letters from this period of his career have been preserved, so that the long, eight-page expression of his views is of particular interest.

On the same day that it was written,

John Adams observed that the movement for independence was advancing “like a Torrent.” The New England States—Massachusetts-Bay, New Hampshire, Rhode Island, and Connecticut—and the Southern group—Virginia, North Carolina, South Carolina, and Georgia—could be counted upon as favorable to separation. Between them lay the five Middle States—New York, New Jersey, Pennsylvania, Delaware, and Maryland—which, in Adams’ phrase, were “not yet quite so ripe.”

Maryland, in particular, was a question-mark to the proponents of independence. Although, like the others, she had established a Committee of Safety, mustered her militia, and sent delegates to the Continental Congress, she had relatively few grievances of her own; her inhabitants looked upon their royal governor, Sir Robert Eden, with affection and declined to request his departure; her leaders were unwilling to risk the loss of her charter by taking up arms in pursuit of abstract rights; and many, relying on persistent reports from England that commissioners were being sent to negotiate a peace settlement, hoped that the struggle could be resolved without further bloodshed. Hence the Maryland delegates to the Continental Congress had been specifically enjoined to support no measures which would create a wider breach with Great Britain.

Thus it was that Thomas Stone and the other Maryland delegates felt compelled to withdraw when, on May 10 and 15, the Congress by majority vote passed a mo-

mentous resolution calling upon the various States to erect their own sovereign governments, together with a preamble rejecting the authority of the Crown:

Whereas his Britannic Majesty, in conjunction with the lords and commons of Great Britain, has, by a late act of Parliament, excluded the inhabitants of these United Colonies from the protection of his crown; And whereas, no answer, whatever, to the humble petitions of the colonies for redress of grievances and reconciliation with Great Britain, has been or is likely to be given; but, the whole force of that kingdom, aided by foreign mercenaries, is to be exerted for the destruction of the good people of these colonies; And whereas, it appears absolutely irreconcilable to reason and good Conscience, for the people of these colonies now to take the oaths and affirmations necessary for the support of any government under the crown of Great Britain, and it is necessary that the exercise of every kind of authority under the said crown should be totally suppressed, and all the powers of government exerted, under the authority of the people of the colonies, for the preservation of internal peace, virtue, and good order, as well as for the defence of their lives, liberties, and properties, against the hostile invasions and cruel depredations of their enemies; therefore,

*Resolved*, That it be recommended to the respective assemblies and conventions of the United Colonies, where no government sufficient to the exigencies of their affairs have been hitherto established, to adopt such government as shall, in the opinion of the representatives of the people, best conduce to the happiness and safety of their constituents in particular, and America in general.

John Adams, who claimed the credit for the text of the preamble, regarded this move as an "epocha, a decisive event" and hailed it as "the most important Resolution that ever was taken in America"; recalling the circumstances later in his autobiography, he noted that it was "considered by men of understanding as equivalent to a declaration of independence." That Thomas Stone so understood it is amply clear from the letter he wrote five days after the adoption of the resolution to an unidentified correspondent, probably Daniel

of St. Thomas Jenifer, President of the Maryland Council of Safety:

D[ea]r Sir:

I am very much obliged by the Intelligence communicated in yours of the 17th. and am much pleased by the Temper shewn in the Convention—tho I fear it can now be of little Service in the general Scale of American Politicks. the Dye is cast the fatal Stab is given to any future Connection between this Country & Britain: except in the relation of conqueror & vanquished, which I can't think of without Horror & Indignation Never was a fairer Cause, with more promising appearances of final Success ruined by the rash and precipitate Councils of a few men. in a very short Time we should have been restored to our rights & have enjoyed Peace if the Ministry are in earnest in promoting a Negotiation with a Design to do Justice to America. which however I very much doubt. or upon their deceitfull shew of reconciliation being detected laid open & exposed, the General & almost unanimous Voice of America would have been for seperation, but just at the Time when anxious Expectations are raised & not satisfied one way or the other, to strike a decisive Stroke & at once when the Minds of Men are not prepared for such an Event, to cut the only Bond which held the discordant Members of the Empire together, appears to me the most weak and ill judged Measure I ever met with in a State which had the least Pretention to wisdom or Knowledge in the affairs of men—I think it probable you will before this reaches you have taken some decisive measures in consequence of the joint Letter of your Deputies in Congress. It gave me exceeding Pain, that the Convention should be necessitated to take one or other of the perplexing alternatives suggested by the Preamble & Resolve sent you & our Conduct in Consequence thereof, but it could not be avoided. We postponed the Question somedays, and did every thing to prevent that destructive Precipitancy which seems so agreeable to the Genius of some. Further delay could not be obtain[ed] altho there was the strongest reason for it. two Colonies being unrepresented & a representation shortly expected, it was in vain to reason or expostulate. The Majority of Colonies attending was known to be for the Proposition & the opportunity not to be let slip.—We conceived ourselves bound to withdraw from Congress immediately on the Vote upon the Preamble, & have not voted since: Having once determined in our Judgments against the Propriety of the Measure and of its

Tendency, it became us not to hesitate obeying the Instructions of our constituents which in all Cases with me (& I am persuaded with my Brother Delegates) are sacred—The Vox Populi must in great measure influence your Determination of the part to be taken by the Province upon this great change in the *declared* End of the war—and I am strongly inclined to wish it could be well known before any decisive Step is taken in Convention and for this End, a little Time & delay might be profitably used.—you must I presume either declare explicitly that you will go all Lengths with the majority of Congress or that you will not join in a War to be carried on for the purposes of Independency & new Establishments, and will break the Union or rather not enter into one for the Ends either of which are dangerous Extremes—But in whatever is determined it will be wise and prudent to have the Concurrence of the People—. I wish much to be with you & to remain with you to share in all your perplexities Difficulties & Dangers be they what they may. but I am denied the only comfort I could have in the present Situation of affairs by the particular Circumstances of my family—I am distressed beyond the Bearing of a man who has much more Philosophy than ever I was blessed with, by contemplating probable Events in this country. and this mortifying Speculation is not the greatest uneasiness I suffer at present. The illness of a wife I esteem most dearly preys most severely on my Spirits, she is I thank God something better this afternoon, and this Intermission of her Disorder affords me Time to write to you—The Doctr. thinks she is in a fair way of being well in a few days. I wish I thought so—The People of this Province [Pennsylvania] are thrown into the most violent convulsions by the resolve of congress sent you, the result of which it is impossible to foresee.—A considerable number of People met this morning in consequence of an hand Bill for that purpose, & determined that Government ought to be assumed, the Assembly suppressed, the Instructions to the Delegates rescinded & a Convention called for the purpose of judging of the Propriety of forming a new Government, & to form the same—This Meeting as I am informed consisted of the people only who are of one side, & that all their Determinations were very unanimous—The County Committee I hear met yesterday and determined by a great majority only two dissenting, to support the assembly under the present form of Government. We have not heard from the out counties—The assembly was to have met this

day, but I believe there were not members enough to make an House—we shall know in a few days whether they will maintain their ground. Our affairs in Canada are ruined as you will see by the Papers. I wish we may make a tolerable stand on any ground the other side [of] the Lake. I hear [Samuel] Chase has wrote to a friend of his in this city, that he could not be of any further service in Canada and was determined to sit out the day after he wrote, to leave the County, should this resolution be taken by our commissioners there, which however I hope for their Credit & our Safety will not be the Case, the Soldiers will probably follow & will not even hazard a Stay at Saint Johns or the Isle au Noix to raise fortifications, should this be the case & the Enemy take the advantage of this consternation and regain the Lakes, assemble the Canadians who are very generally irritated against us & the Indians who will join the Party to appearance victorious, a most bloody & destructive war upon the Frontiers of N[ew] York & N[ew] England will ensue, and how far it's consequences may extend, cannot be foretold—on the contrary should a proper Stand be made at St. Johns the Isle au Noix fortified & the Lake secured, which I have yet Hopes will be done, we may keep them at least this Campaign from penetrating the backs Parts of the Country.—How we are provided with Warlike Stores for these purposes I have not been able to learn.—Our Soldiery have behaved as we are told most licentiously in Canada, unrestrained by Decipline or Principle, they have commanded every thing in their Power by the Bayonet, unprovided with sufficiency of Provisions & the credit of their money not affording them a supply, they have committed all the Disorders, incident to an army out of Temper & without controul in a Country where Appearances were rather hostile than friendly.—All the Evil consequences which were seen and pointed out by men averse to this Canada Expedition will I fear be felt, and even then those who were for it will not ascribe them to the true cause, the fundamental Error of the Undertaking, but it will be said and indeed has been said in Publication here that the ill success has been owing to a Delay occasioned by those who opposed the measure.—We hear of a considerable British Force having arrived in N[orth] Carolina, & that Genl. Lee is gone to oppose their Landing—A person who was taken in Canada with Allen is I am told just arrived in Town via Hallifax—he was carried to England and examined as he said before the Council & was



discharged. he said he was treated in a most friendly manner, was found every thing he wanted. the people of England talk much of Settlement with America.—No foreign Troops arrived in England the 24 of March. he brings Papers as low as the 20th. but I have not seen them—he also brings Letters, as I am told, to several Gent. in Town & to the congress—reports that it is said 30. or 40. thousand Troops will be sent to America, 10000 for the South, 10000 for Canada, the rest for the Northern Provinces—he left How[e] & his Troops at Halifax in bad Condition, no Troops arrived to the Eastward. the person who gave me this relation did not hear any thing mentioned of commissioners or forgot what he heard as he is averse to believing any thing of their coming over. I shall probably hear more of this affair in the morning and will subjoin the Intelligence if worth communicating.—I think it very probably [sic] Commissioners will be sent with the Troops, tho I very much doubt of the Sincerity of administration to offer just & reasonable Terms to us. I do not form this opinion upon the circumstance of Troops being sent for I think they will naturally suppose if commissioners are sent without support we must dictate the Terms of Accomodation & they may also readily conceive they will not be of the most moderate kind. But I fear the Ministry are stringly attached to their Sistem, perhaps from Principle, that they have discovered the strong Inclination to Peace in many Colonies & are in hopes, by offering something like reasonable Terms at a Time when the Distresses of war are painted strongly upon the minds of those who have not been irratated & enraged by feeling them in reality, to create Divisions & Dissentions through the Country. The last act of Parliament seems to have been produced under the influence of this Idea, & is calculated to ansr. the purpose—I wish I may be mistaken; However should the most reasonable Terms be offered preserving the subordinate relation of this Country to Britain I much question if they would be accepted by the present haughty Temper of America—A report prevailed in Town this morning that 90 Ships Transports etc. were arrived near N[ew] York, but this is again contradicted—Indeed all our Intelligence is so very doubtfull that little credit is due to any.—R[obert] A[lexander] was to have set out for the convention on Saturday but was prevented by rain. I don't expect he will be very expeditious even after he quits the City & when that will happen I can't tell. I have been spurring him to depart as I

know the convention would wish to see him & he would be serviceable.—The Difficulties respecting Govenor Eden's removal from or stay in Maryland which you mention occurred to me, but upon the whole I was of opinion it would be best to get him out of the Province in a peaceable manner, if it could be done, because I thought it wrong in our present circumstances to suffer a correspondence to be carried on between any persons here & Administration the contents of which we were not acquainted with, and because I was apprehensive the Governor's unguarded conduct whatever his Intentions may be would frequently afford an handle for designing Men to imbroil and inflame the Province, and I did not see any Disadvantages flowing from his Departure of so much consequence of these, however if he pledges his Honour & Safety not to correspond & [to] conduct himself peaceably, perhaps his Stay may be reconciled to every Body, unless you should assume Government & appoint a Governor of your own & in that case I suppose the Ground must be given up entirely to the Master elect.—I wrote to the convention signifying my Inclination to be recalled from hence, in which I was & am much in Earnest.—My situation is truly disagreeable—could I sit with the same happy Indifference I observe in others when matters of the last consequence are in agitation or could I bring my mind to view with apathy the destructive Tendency of Measures or at least appearing to me so, which I can't prevent, or could I bring my Temper to bend to the Principles of those, who perhaps are wiser than myself, I should be less miserable. But my feelings are too keen, my Concern for those whose happiness I wish to secure too exquisite & my constitution too stiff to allow of my continuance with tolerable ease to myself. These things however should not weigh with me if I had any Prospect of my being serviceable: But I should ill reward the confidence reposed in me by the Convention if I was not to be explicit in my Information to them, that I was totally useless & only served to give a fruitless Opposition to Measures which I can't approve but which however may be right as they are adopted by wise men. And that no advantage derived from my Stay here was equal to the Expence of my support, and this is in sober sadness my opinion, if they think proper to order Deputies from there again to take a Seat in Congress & under all these circumstances was to appoint me one I will most certainly serve them to the best of my Judgment, as I am principled

against quitting any Post where my countrymen think I may be useful however disagreeable it may be to myself or whatever my own opinion may be on the Subject provided it be not against my Principles of Morality, in which I will ever retain the absolute Dominion—I had much rather be in the province where perhaps I might be of some Service, tho even there I am not ambitious of elevated station—I give you freely these facts & my Inclinations. You will exercise your own Judgment.—Tell our Friend Scott I am thankful for his letter & could I spare time from the necessary attendance on my family would with pleasure write to him particularly, but I have committed to this Paper every thing worth communicating & you will be pleased [to] shew it to him & he will be so generous [as] to excuse a personal address, & so obliging [as] to continue his correspondence—I expected all the Dissentients you mention but Prince Georges.—Let me hear from you & be assured I am with most sincere Esteem

Yr constant friend & obt. Servt.

T: Stone

Phila. May 20. 1776

Monday night

I have missed the Post by attending to hear the Intelligence above referred to. I must now send this by Mr. Alexander who will give you a particular account thereof—It is bad enough, & will be published. There are Treaties for foreign Troops to the amount I think of near 20000.—Several Letters say we have nothing to rely on but our own Strength.—The People of England [are] uneasy, & the American Cause gains Ground—One Letter mentions Commissioners—no names to any.—The whole Number of Troops intended for America, 34000—this Number tho it may appear large will I am hopeful & indeed convinced will not be adequate to the diabolical Purpose of Conquest for which they are designed.—The Spaniards it seems will not suffer us to trade with them.—What Part

France will take is not known but it is most probable she will be influenced by the same vile motives with the other European Powers.—If our councils could but be tempered with a proper Degree of moderation & attention to the Inclinations & even weaknesses of our people all would be well; but I think they will not drive & an attempt to do such an injury to the feelings of freemen will have fatal consequences. May God attend your Deliberations & Direct them to the right way.—We are anxious to hear something from you & most of us think you will probably [illegible] down before you decide finally—my wife is something better this morning & I hope will do well: Adieu my friend remember me to all who you know I think worth being remembered by.

Yrs

TS

Three weeks after this letter was written, the Congress had received Richard Henry Lee's resolution for independence and had moved to appoint a committee to draft a Declaration. Maryland, at first holding to hopes of a peaceful settlement, swung into the torrent; on June 28 its Provincial Convention authorized its delegates to support separation from the Crown; and on July 2 and 4 Thomas Stone voted for the resolution and Declaration of Independence. He had indeed been prophetic. With the resolution of May 15, the "Dye" had been irrevocably "cast."

DOROTHY S. EATON

*Manuscript Division*

VINCENT L. EATON

*Chief Editor,*

*Information and Publications Office*





## Annual Reports on Acquisitions

Annual Reports on Applications

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# Maps

**P**RODUCTION is the measure of the post-war decades. Spurred by the limitless demands of powerful nations vying for military supremacy, and the insatiable wants of luxury-minded peoples everywhere, industrial output has climbed to unprecedented peaks. Be it paper clips or guided missiles, transistors or Cadillacs, the story is the same.

Maps, too, have been caught in the surging production wave. Map Division accessions from May 1, 1956, to April 30, 1957, amounted to approximately 115,000 maps and 1,150 atlases. The map total is an increase of 57 percent over the figure for 1956, and not since 1953 have so many been received in a single year. The figure for recently published maps is an alltime high of 57,026, exceeding by almost 10,000 the comparable figure for the previous peak year (1948). The receipts, tabulated by source, were as follows:

Source:	Maps	Atlases
Transfer -----	*57,836	167
Government		
source-----	15,662	*39
International ex-		
change-----	*23,632	35
Purchase -----	*8,993	*285
Copyright -----	*4,438	*598
Gift -----	*4,267	*18
Domestic ex-		
change-----	34	*8
Total -----	114,862	1,150
*Increase over previous year.		

As indicated in the table, gains were registered in all but two source categories, and in both of these decreases were negligible. Atlas accessions were also greater

than for 1956 in all categories except transfer and international exchange, where minor reductions occurred. There was, however, an overall gain of 10 percent in atlas receipts.

## Transfer

As in previous years, maps and atlases transferred from various Federal map collections and mapping agencies account for approximately half of the year's receipts. They comprise, for the most part, obsolete and surplus items. Included, however, are many maps not previously in the collections of the Library. Most of the 57,836 transferred maps added to the collections came from the backlog which has been accumulating since the end of World War II. Processing of this material was again handled by temporary employees in the summer map processing project. Most members of the project are graduate students who are majoring in geography at various colleges and universities. Some fill temporary positions on the Library staff, while others are on the payroll of their home institutions. In the latter instances the cooperating libraries or geography departments receive, in exchange for the service of their staff member, supplies of maps and atlases selected from surplus duplicate files. During the year approximately 110,000 surplus maps and almost 900 atlases were transferred by the Library to such institutions.

Despite inroads made upon the transfer backlog by the competent and energetic summer project staff, a formidable accu-

mulation remains to be processed. Moreover, additional transfers are periodically received from Federal agencies. During the last 12 months 55 boxes and 10 rolls of maps were thus acquired.

In an effort to limit such acquisitions, the Map Division is now attempting to screen at the source surplus maps offered by U. S. Government agencies. In consequence of this policy the number of boxes and rolls noted above is appreciably smaller than the quantity of material in this category acquired the previous year. The libraries of the Army Map Service, the Department of State, and the Aeronautical Chart and Information Center continue to supply most of the transfers. Receipts from the last-named were especially heavy this year because the Washington branch library of ACIC was liquidated. The Bureau of Public Roads, the Office of Geography in the Department of the Interior, the National Archives, and the Geological Survey also periodically transfer surplus cartographic materials to the library.

### Government Source

Receipts of Government maps, while still at a high level, declined slightly from the record total noted in last year's report. The quantity of maps (15,662) acquired in this category is, however, above the average for the last 10 years. Maps prepared by Federal agencies number over 13,000, about the same as for 1956. Twenty-two agencies deposited in varying quantity. The "Big Four" (Aeronautical Chart and Information Center, Army Map Service, Coast and Geodetic Survey, and Geological Survey) accounted for more than 90 percent of the total. Of special interest to civilian map users is the Geological Survey's output of topographic quadrangles, of which some 2,000 new sheets are now issued annually. Also a welcome addition to the cartographic

coverage of the United States is the steady procession of sheets of the Strategic Map of the United States. Prepared by the Army Map Service, civilian editions of this attractive shaded relief map (scale 1:250,000) are available through the Geological Survey's Map Information Office. The first sheets of this series were published in 1947, and it is scheduled for completion within the next year.

Although their output does not match that of mapping agencies mentioned above, a number of other Federal producers deposited noteworthy maps. They include the Forest Service and the Soil Conservation Service in the Department of Agriculture, the Great Lakes Survey and the Mississippi River Commission under the Army's Corps of Engineers, the Navy's Hydrographic Office, the Tennessee Valley Authority, the Post Office Department, and the Government Printing Office.

Under "Government source" are also recorded maps and atlases which are received without cost from a variety of State, county, and municipal offices and agencies. Unlike Federal agencies, few such governments send publications on automatic deposits to the Library. They are, however, responsive to requests for such materials.

Twenty-nine States and six cities sent copies of their cartographic publications. Included were maps prepared by highway commissions, conservation, natural resources, and recreation bureaus, economic councils, fish and game commissions, planning and development boards, geological or mineral surveys, and transportation commissions. Some 60 different offices, agencies, or departments are listed among the non-Federal contributors.

### International Exchange

With the end of World War II, representatives of several Federal map libraries, including the Library of Congress, held in-

formal meetings for the purpose of reestablishing international map exchanges which had been disrupted during the war. This cooperative program for procuring foreign maps, initiated in 1947, received brief mention in the Map Division's acquisition report for that year.<sup>1</sup> "It is gratifying to note," the report reads, "that a number of foreign governments have expressed a desire to resume the international exchange of maps. These international exchanges have been aided through a cooperative acquisitions program in which the services of the Department of State and the Army Map Service procurement officers have been utilized to obtain material for the Library of Congress."

From this modest beginning the Inter-Agency Foreign Map Procurement Coordination Committee has developed into one of the most effective publication procurement channels within the Federal Government. Aided by State Department geographic attachés stationed in various parts of the world, the Committee coordinates exchanges and makes purchases of cartographic publications for some 10 United States agencies. Virtually all the Library's international exchanges in this category are negotiated through the Inter-Agency Committee.

The effectiveness of the program is evident in the more than 150,000 maps which the Library has acquired through international exchanges during the past decade, an annual average of over 15,000. Receipts for last year were especially impressive, with more than 23,600 accessions. This is well above the 10-year average and an increase of 120 percent over the previous year.

Maps from more than 60 countries and dependencies are included in the total. Three countries (France, Canada, and Great Britain) account for approximately

50 percent of the accessions. France's shipments of 9,000 sheets included numerous large-scale detailed plans of cities, towns, and villages, prepared under the direction of the Ministry of Reconstruction. Canada is engaged in an extensive mapping program, which is reflected in 2,400 maps added to the collections. Great Britain, a consistently prolific producer, swelled accessions by more than 1,700 new sheets.

Between 300 and 800 maps each are credited to Australia, the Netherlands, Italy, Spain, Argentina, and Belgium. The resurgence of Africa is apparent in increased map production in the countries and dependencies of that continent. Nigeria, Tanganyika, and Uganda are among the contributors of 200 or more maps, and significant shipments were also received from Ghana (Gold Coast), Kenya, Belgian Congo, and the Sudan. Moreover, some maps credited to European producers (*e. g.*, the British Directorate of Colonial Surveys) cover portions of Africa. Significantly missing from the list of exchangees are countries behind the "Iron Curtain" and those within the currently disturbed Middle East area.

### Purchases

Increases of 110 percent in map accessions and 95 percent in atlases were recorded in this category during the year. Purchases accounted for 16 percent of the new map accessions, an appreciable gain over previous years. The majority of purchases are of foreign publications which are not available on exchange. Many were purchased by geographic attachés with funds transferred to the Department of State for this purpose. Most maps thus acquired are by commercial publishers and include such representative items as plans of cities, transportation and communications maps, and wall maps featuring administrative, physical, economic, or histori-

<sup>1</sup> *QJCA*, IV (August 1947), 55.



cal information. Significant in the latter group are a number of wall maps of the USSR and its major political parts. The increased number of such maps available through regular channels in recent years seems to indicate some easing of restrictions behind the "Iron Curtain."

Some few foreign government map publications cannot be procured on exchange and must be acquired by purchase. They include such items as sheets of very large-scale official surveys produced in limited supply, maps published by agencies which are not interested in acquiring United States maps, and reproductions (*i. e.* blueprints or blueline prints) of official maps which exist only in manuscript.

Another category of map purchase includes photostat or photograph copies of manuscript maps in foreign libraries and archives. For a number of years the Map Division has been acquiring reproductions of such maps as are related to the history of the Americas. During the past year approximately 100 copies of early manuscript maps, from originals in the Bibliothèque Nationale (Paris), were acquired.

A few commercial maps published in the United States are not copyrighted, and if complimentary copies are not offered, they must be purchased. On occasion, reproductions of rare maps in American libraries are also acquired by purchase.

A large portion of available funds is used to purchase atlases issued by both domestic and foreign publishers. Approximately a fourth of the atlases added this year were purchased. As most atlases published in this country are received on copyright deposit, atlases acquired by purchase are largely foreign publications. Many of the latter are received through the efforts of geographic attachés.

Purchases include new and revised general atlases of such well-known European publishers as George Philip and the Oxford University Press of London, John

Bartholomew of Edinburgh, Armand Colin of Paris, and Columbus Verlag of Stuttgart. The "Jubiläumsausgabe" of the latter's *Columbus Weltatlas* is deserving of more than passing notice. Completely revised by Dr. Karlheinz Wagner, the 1956 edition of this popular atlas is attractively bound in red leather, with cover and spine lettering in gold leaf. It includes 62 large-size map plates, and a detailed alphabetical index with 155 pages of names in five columns.

A number of historical atlases, some revised and several new works, were also added to the collections. In the former category are the 67th edition of Friedrich Wilhelm Putzger's *Historischer Schulatlas* (Bielefeld, 1956), revised and edited by Alfred Hansel; the first volume of Colin's looseleaf edition (rev. 1955) of Vidal de la Blache's *Atlas historique & géographique*, first published in 1894; and Ramsay Muir's *Atlas of Ancient and Classical History* (2d ed., London, 1956), and his *Historical Atlas, Mediaeval & Modern* (8th ed., London, 1956). New works in this subject group are Westermann's *Völker, Staaten und Kulturen; ein Kartenwerk zur Geschichte*, edited by Hans Erich Stier (Braunschweig, 1956) and a historical atlas of the Czechoslovakian social revolution issued in 1956 by Ustredni Sprava Geodesie a Kartografie in Prague and entitled *Historicky atlas revolučního hnutí*. An especially significant publication in this field is the attractive *Atlas histórico y geográfico de Africa española*, published at Madrid in 1955 by Spain's Dirección General de Marruecos y Colonias. In addition to historical maps it has a number of physical maps including several fairly large-scale representations of outlying islands and island groups.

Facsimile maps and atlases are always welcome additions. Last year's report noted the receipt of volume 2 of *Cartografía de ultramar*, published by Servicios



Geográfico e Histórico del Ejército. The third part (1955) of this very interesting series has recently been received. It includes an atlas volume with 135 reproductions of early maps, a number of which are in color, and a volume of descriptive text. The subtitle of part III is *Mejico; relaciones de ultramar*.

To commemorate the 700th anniversary of the birth of Marco Polo, the city of Venice published in 1954 (not issued until 1956) a facsimile of Fra Mauro's world map of 1459, *Il mappa mondo di Fra Mauro*. The map, comprising 48 colored plates, is in a portfolio and is accompanied by a 77-page descriptive and explanatory text, edited by Tullia G. Leporace. The preface is by the distinguished Italian geographer and historical cartographer, Prof. Roberto Almagià. This monumental work was prepared under the sponsorship of the Istituto Poligrafico dello Stati in Venice.

Among the interesting purchases is a three-volume sea atlas, *Morskoi atlas*, edited by I. S. Isakov and L. A. Demin and published in Moscow by Voenno-Morskoe Ministerstvo between 1950 and 1953. Volumes one and two include more than 150 double-page colored map plates. Volume three is a 544-page index containing 110,000 place names and a glossary of marine terms in some 20 languages.

A number of economic and resource atlases were also acquired by purchase. From the Oxford University Press are the *Oxford Economic Atlas of the World*, and *The U. S. S. R. and Eastern Europe*, both of which were prepared by the Economist Intelligence Unit and the Cartographic Department of the Clarendon Press, and published in 1956. An economic atlas of Japan, *Nihon keizai chizu*, with some 60 colored map plates and 166 pages of descriptive and statistical data (in Japanese), was published in 1954 by the Zenkoku Kyōiku Tosho Kabushiki Kaisha.

The *Landwirtschaftsatlas*, published at Bochum in 1955 by the Ruhr-Stickstoff Aktiengesellschaft, includes 62 colored economic maps (scale ca. 1: 2,300,000) of the German Federal Republic. The agricultural economy of Eastern Germany is presented in Rudolf Matz' *Agraratlas über das Gebiet der Deutschen Demokratischen Republik*, the first volume of which, published at Gotha in 1956 by Hermann Haack, has been received. It has a text volume of 148 pages and an atlas with 60 map plates at the scale of 1: 200,000.

In anticipation of the centenary of the province in 1958, British Columbia's Natural Resources Conference in Vancouver issued an attractive and informative *British Columbia Atlas of Resources* in 1956. It was compiled under the editorial direction of J. D. Chapman and D. B. Turner, with A. L. Farley and R. I. Ruggles serving as cartographic editors. The atlas "presents, through maps and concise texts, a wealth of basic information on the natural resources of the province, together with the physical, cultural and historical background." A third edition of the *Regional Planning Atlas, Economic Resources of Tasmania* was published in Hobart in 1956 by the Tasmanian Directorate of Industrial Development. It includes 28 colored map plates with illustrations and descriptive text on the verso of each.

The *Atlas géologique de Pologne*, 1: 2,000,000, presents the geology of Poland in a series of five plates assembled in a portfolio. It was published at Warsaw in 1956 by the Instytut Geologiczny and was presented to the Twentieth International Geological Congress, which convened in Mexico City that year. A forest atlas of Czechoslovakia, *Lesnický a myslivecký atlas*, was published at Prague in 1955 by the Ústřední Správa Geodesie a Kartografie. There are 120 pages of colored maps in a portfolio, accompanied by 91 pages of text.

The table of contents is in Czech, Russian, English, and German.

Climatic atlases of two South American countries were purchased. Thirty-one plates of the looseleaf *Atlas climático de la República Argentina* were thus acquired. This atlas, of which the first sheets are dated 1954, is being prepared by Argentina's Servicio Meteorológico Nacional in Buenos Aires. The maps are at the scale of 1:10,000,000. Volume 1, parts 1 and 2 (1955) of *Atlas climatológico do Brasil* features means, extremes, and totals. There are in all 221 map plates. The atlas is edited by Adalberto B. Serra and was prepared under the sponsorship of the Conselho Nacional de Geografia and the Servicio de Meteorologia in Rio de Janeiro.

Several regional atlases, covering a whole country or one of its political subdivisions, are prepared by various governmental agencies or individual compilers and publishers. Two such recent atlases cover provinces of India. *Bihar in Maps; with Explanatory Text*, by P. Dayal, was published in 1953 by the Kusum Prakasham at Patna. It has 84 pages of text and uncolored maps, most of which are at the approximate scale of 1:3,600,000. A *Descriptive Atlas of Hyderabad State*, published in 1956, was prepared by B. N. Chaturvedi "under auspices of Hyderabad Geography Association." As in the Bihar atlas, the maps are uncolored.

Distinctly of the national atlas type is the *Atlas du Maroc*, published at Rabat by the Comité de Géographie du Maroc. The first plates of this looseleaf atlas were issued in 1954, and to date the Library has received six plates, as well as an equal number of text leaflets (*notices explicatives*).

*Salzburg-Atlas; Bundesland Salzburg in 66 Kartenblättern*, was compiled by Egon Lendl with the assistance of Walter Pfitzner

and Kurt Willvonseder. This two-volume work was published by O. Müller of Salzburg in 1955. The 66 map plates in the first volume are keyed to the descriptive text in the second. *Atlas der Steiermark* is a looseleaf ring-binder atlas of which 14 plates (dating from 1953) have been received. It is being compiled by Wilhelm Leitner and associates, and the publisher is Akademische Druck- und Verlagsanstalt of Graz. The principal maps are at scales of 1:300,000 and 1:500,000.

Two additional volumes of the *Nouvel atlas linguistique de la France* are recent accessions. This series is being published under the auspices of the [French] Centre National de la Recherche Scientifique and is under the general editorship of Albert Dauzat. The second volume of Jean Séguy's *Atlas linguistique et ethnographique de la Gascogne* was issued in Paris in 1956 in looseleaf format. Pierre Gardette's *Atlas linguistique et ethnographique du Lyonnais*, the third volume of which was published in Lyon in 1956, is, in contrast, a bound volume. Another addition to the collection of linguistic atlases is volume IV of Walther Mitzka's *Deutscher Wortatlas* (Giessen, 1955). The other three volumes (1951-54) were previously acquired. The latest volume has 43 map plates supplemented by descriptive text.

While most available funds are expended for recent map and atlas publications, some noncurrent items are acquired by purchase. Because of the progressive decline in choice items offered for sale, and the increasing cost of out-of-print publications, few rarities have been acquired by the Map Division since World War II. It is therefore gratifying to record several noteworthy accessions in this category.

A distinctive example of eighteenth-century European cartography is the map of Tyrol prepared by Peter Anich and

Blasius Hueber, which carries this imposing Latin title and inscription: "Tyrolis/ sub/ felici regimine/ Mariae Theresiae/ Rom. Imper. Aug./ Chorographice Delineata/ a Petro Anich et Blasio Hueber Colonis oberfussianis/ Curante Ignat Weinhart Profess. Math. in Univers. Oenipontana/ Aeri incisa à Joa. Ernest Mansfeld/ Viennae 1774." The Library's copy is on eight sheets, 23 x 43½ inches, each of which is mounted on linen, and hinged to fold to 7¾ x 5½ inches. It occupies two solander cases, together with an index map and Hueber's two-sheet map of Arlberg.

The map of the Tyrol is at the scale of 1:103,800, and includes a large number of names as well as many physical and cultural features. Fifty-two symbols are described in the legend, which is printed on sheets 2 and 7. Relief of this mountainous region is shown by a skillful combination of hachures and shading. The relief portrayal on the southern half of the map (largely the work of Hueber) is done with a more delicate hand. In the lower right corner of the composite map is the elaborately engraved title cartouche, pictorially supported by a symbolic monument to the Empress Maria Theresa. The base of the monument is surrounded by people, animals, products, and scenic views representative of the Tyrol.

The cartographic contributions of Peter Anich and Blasius Hueber are especially remarkable in view of the backgrounds of the two men. Both were Tyrolean farmers, with little formal education, who began their surveying and mapping careers at a relatively advanced age. In 1751, when Peter was 28 years old, he journeyed to Innsbruck to confer with Father Ignaz von Weinhart, professor of mathematics at the university in that city. Although entirely self-educated, Anich impressed the professor with his technical knowledge, and Weinhart accepted him as a student.

Among projects which Anich successfully carried out as part of his training were the construction of celestial and terrestrial globes for the astronomy laboratory of the university, and the compilation of a map entitled "Theatrum belli Austriaco-Borussici."

The urge to prepare a detailed map of his Tyrolean homeland had long possessed Anich. Consequently, in 1760, he began surveys of the northern Tyrol under the direction of Professor Weinhart. To the natural difficulties of surveying a mountainous region with inadequate instruments was added the hostility of the native farmers, who feared that the primary objective of the survey was to increase their tax burden.

Peter's health, never rugged, suffered greatly under the strain of long hours of work, exposure to all kinds of weather conditions, slogging through swamps, and scaling steep mountains. Nonetheless, by the spring of 1763 two-thirds of the northern Tyrol had been mapped. In order to include all the details and place-names he thought desirable, Anich prepared his map at the scale of 1:103,800. A map of an adjoining area had, however, been previously published at the scale of 1:120,000. In the interest of uniformity, the Viennese Government directed Anich to reduce his map to the latter scale.

Despite continued decline of his health, Anich set to the task and by 1765 the three first sheets were ready. After viewing them the Viennese authorities recognized that a larger scale would be desirable and a return to Peter's original scale was ordered. Anich realized that he could not complete the map by himself and in 1765 engaged as a student and assistant his fellow-townsmen 30-year-old Blasius Hueber.

Hueber began field work with Anich in the spring of 1765, but both men contracted fevers from surveying in a swampy

area and had to suspend work until the following spring. Late in the summer of 1766 Anich's work was recognized by the Empress Maria Theresa, who presented him with a medal and an annual pension. This honor was short-lived, for Peter died within a fortnight after the presentation, on September 1, 1766, in his forty-fourth year.

Responsibility for completing the map now fell on Blasius Hueber, and most of the southern Tyrol was surveyed by him between 1766 and 1769. The map was sent to the engraver, Johann Ernest Mansfeld of Vienna, in 1770. Upon its publication in 1774 the map of Tyrol was hailed as a cartographic masterpiece, not only in Austria but throughout Europe. It continued to be the standard map of the region for a number of decades, and it was superseded only by the Austrian General Staff map completed in 1823. Several reprints of Anich and Hueber's map were made, including a reproduction in 1801 by France's *Dépôt Général de la Guerre*.

In 1772 Hueber initiated a survey of Vorarlberg, with the assistance of his nephews Anton and Beit Kirchbner and his son Magnus. The Vorarlberg map, in two sheets, was published in 1783. The title reads: "Provincia Arlbergica/ Sequentes Comitatus, aliosque Dominatus Austriacas . . ./ Secundum/ Chartam a Blasio Hueber Colono Oberperfussiano/ Chorographice confectam/ accuratissime delineata per Joannem Antonium Pfandler/ 1783." The sheets measure 23 by 27½ inches and, like the Tyrol map, they are mounted on linen hinged to fold to 7¾ by 5½ inches. The scale is the same as on the Tyrol map, with which it shares a solander case. The detail and relief representation also follow the pattern of the map prepared by Anich and Hueber.

During the eighteenth century Europe was swept by an endless succession of wars as the various powers sought to consolidate

or enlarge their lands. As military science became more exact and complex, the need for detailed and accurate maps was recognized by country after country. Topographic surveys, established by many governments during the latter half of the eighteenth and early nineteenth centuries, systematically initiated ambitious mapping programs. The task was somewhat facilitated by the invention of a number of new surveying instruments and the development of new scientific methods and procedures. Especially important were the advances in scientific cartography effected by the French Academy and the several generations of the Cassini family. Many of the national surveys of the nineteenth century were closely patterned after the survey of France by the Cassinis.

The unification of Germany was not completed until well into the nineteenth century. Early surveys of the German lands therefore, were sponsored by principalities, kingdoms, or enlightened rulers or military commanders. One such survey resulted in a detailed 22-sheet map of Westphalia, published from 1805 to 1814, which the Library recently purchased. Prepared under the direction of General Major Karl Ludwig von Lecoq, the map is entitled: "Topographische/ Karte/ in/ XXII Blätter/ den größten Theil von Westphalen enthaltend, so wie/ auch das Herzogthum Westphalen und einen theil der Hannövrischen/ Braunschweigischen und Hessischen Länder/ nach/ astronomischen und trigonometrischen Ortsbestimmungen/ auf Befehl/ Seiner Majestät Friedrichs Wilhelms III Königs von Preussen/ herausgegeben/ vom/ General Major von Le Coq/ im Jahr/ 1805/ geschrieben und gestochen von Carl Jäck in Berlin."

The map includes 20 sheets plus a title sheet and an index map. All but one of the former measure 25 x 38½ inches (sheet 11 is 25 x 27½ inches). Each



sheet has its own decorative border, although they can be joined to form one composite map. The lower margins carry the names of the individual surveyors and engravers. Relief is indicated by hachures, and administrative boundaries are emphasized by color. The elaborately embellished title is on a 25 x 27 inch sheet.

The index map and legend are on a separate sheet which measures  $23\frac{3}{4}$  x  $27\frac{1}{2}$  inches. Compiled by C. F. Klöden, the map is entitled: "Das nordwestliche Deutschland, oder/ Generalblatt zu der vom G. M. v. Lecoq in 22 Bl. herausgegebenen gr. Karte von Westphalen/ bearbeitet von C. F. Klöden/ 1815/ Berlin bei Simon Schropp et Co." The scale is 1:645,000. All sheets are mounted on linen hinged to fold to  $8\frac{1}{2}$  x  $5\frac{1}{2}$  inches. They fill four solander cases.

The first coalition war against France began in 1792 and ended with the Peace Treaty of Basel in 1795. In accordance with the treaty terms a new boundary was established between France and Prussia. To maintain the new line a Prussian Army unit, under the command of Karl Wilhelm Ferdinand von Braunschweig, was stationed in Westphalia. Chief of von Braunschweig's staff was General Major Karl Ludwig von Lecoq, who was born in Estenburg, Saxony, on September 9, 1754.

Upon learning that there were no good detailed maps of Westphalia in existence, Lecoq decided to use his staff in making such a survey. He used as his model the Cassini triangulation and survey of France, and established his positions by precise astronomical observations. Even the scale of the map (1:86,400) was the same as on the map of France. Lecoq's map was based on a prime meridian running through the Castle of Oldenburg. The techniques and procedures employed in the survey were minutely described by Lecoq in a series of letters published in various numbers of the *Monatliche Correspondenz*.

## Copyright Deposits

Through the Copyright Office the Map Division receives maps and atlases issued by United States private and commercial publishers. The accelerated trend in production is evident in this category of accessions, too, with a gain of six percent in maps and 20 percent in atlas receipts over the previous year.

Copyright maps are characterized by their heterogeneity. Virtually every type of information is portrayed. The large number of registrants of copyright maps and atlases is also phenomenal. Most deposit only one or two items, but the list also includes a number of large commercial publishers whose annual cartographic output may total several hundred items. In the latter category are publishers of gas company road maps such as the American Automobile Association, the General Drafting Company, the H. M. Goushá Company, and Rand McNally & Company. Complete listings of all copyright maps and atlases will be found in the *Catalog of Copyright Entries, Third Series, Part 6, Maps and Atlases*, published semiannually by the Copyright Office. Recent numbers of the *Catalog* include an "Index of Areas and Subjects" and a "Publishers' Directory," with names and addresses.

Copyright deposits account for more than 50 percent of all atlas receipts, and it is through this source that most of the well-known American atlases come to the Library. As in previous years, new and revised editions of general atlases have been received from the George F. Cram Company, the Encyclopaedia Britannica, C. S. Hammond and Company, and Rand McNally & Company.

The latter firm celebrated its centennial in 1956 by publishing several new atlases. Its *Pioneer Atlas of the American West* contains "facsimile reproductions of maps and atlases from the 1876 first edi-

tion of Rand McNally & Co's. Business Atlas of the Great Mississippi Valley and Pacific Slope." It is printed in a large format with 51 pages of maps, illustrations, and a historical text prepared by Dale L. Morgan. Emil G. H. Kraeling is the editor of the *Rand McNally Bible Atlas*, which includes 487 pages of text, illustrations, and 22 colored maps.

The Westminster Press of Philadelphia published in 1956 a revised edition of the *Westminster Historical Atlas to the Bible*, with 130 pages of maps, text, and index. It was edited by George Ernest Wright and Floyd Vivian Filson. A smaller (32 pages) paper-covered publication is the 1956 edition of the *Atlas of the Bible Lands*, issued by C. S. Hammond and Company.

A number of special-purpose atlases were also received by copyright. They include real estate atlases published by the G. W. Bromley Company of Philadelphia, and a number of detailed insurance atlases of the United States, which are the exclusive specialty of the long-established Sanborn Map Company. Plat books were deposited by R. C. Booth Enterprises of Harlan, Iowa, by Lawson's Atlas & Plat Books of Rockford, Ill., by Charles F. Metsker of McMinnville, Ore., by Rockford Map Publishers, Rockford, Ill., and by Sidwell Studios of West Chicago, Ill.

### Gifts

Gifts are of two types, those which come unsolicited and those received in response to requests. In the first category are retrospective maps and atlases which are received from individual donors. Many of the Library's cartographic treasures have been acquired from generous friends. Among this year's contributors are Mrs. Chandler P. Anderson, Mr. Guy V. Aldrich, Mr. Victor S. Clark, Mrs. Edwin C. Dinwiddie, Mrs. C. P. Farrell, and Dr. Carl Mapes.

At periodic intervals the Library solicits maps from local governments, Chambers of Commerce, public utility companies, etc. During the past year a systematic canvass was made to secure recent maps of United States cities. The effectiveness of this program is indicated in the 4,267 gift maps recorded (most of which are city plans), an increase of 235 percent over the previous year.

### Domestic Exchange

The number of maps and atlases acquired through this source is negligible, because the Library of Congress has access to more sources than does any other United States library. In consequence, there are few items available on exchange from domestic institutions which are not already in the collections of the Map Division. Among the libraries which periodically offer cartographic publications on exchange are those of the American Geographical Society and the University of Illinois. As noted above, (under "Transfer"), a number of institutions have in recent years sent members of their staffs to participate in the Map Division's summer map processing project.

Within the limits of this report it is impossible to do more than give a generalized picture of the total of acquisitions. To select a few representative maps from the 115,000 which were added to the collection is an almost hopeless task. Some maps chosen as "distinctive" are regularly described in *Surveying and Mapping, Geography and Map Division Bulletin* (Special Libraries Association), the *Professional Geographer*, and the *Handbook of Latin American Studies*. The annual issues of the *Bibliographie Cartographique Internationale* include lists, compiled by members of the Map Division staff, of maps published in the United States.

WALTER W. RISTOW  
Assistant Chief, Map Division.

# Law

**D**URING the period May 1, 1956, through April 30, 1957, the Law Library received for addition to its permanent collections 17,872 volumes and 4,753 pamphlets, a total of 22,625 pieces, which may be divided according to the Divisions which acquired them as follows:

<i>Division</i>	<i>Pieces</i>
American-British Law	
United States .....	9,245
British Commonwealth .....	1,797
European Law .....	7,995
Far Eastern Law .....	*139
Hispanic Law .....	3,449

\*An estimated 605 volumes of Japanese, 45 volumes of Korean, and 98 volumes of Chinese law were received through the Orientalia Division of the Reference Department. No count was made of Thai, Burmese, Indochinese, and Indonesian legal materials received by the Orientalia Division.

These pieces were acquired from the following sources:

<i>Source</i>	<i>Pieces</i>
Purchase .....	10,756
Copyright deposit .....	2,765
All other sources .....	9,104

The Federal courts transferred 17,395 pieces of records and briefs:

<i>Court</i>	<i>Pieces</i>
U. S. Supreme Court .....	5,559
U. S. Courts of Appeals .....	9,514
Miscellaneous Courts .....	2,322

An estimated 100,000 unbound issues of periodicals and serials were also added to the Law Library collection, as well as an estimated 1,100 issues of Far Eastern legal serials and 11,200 issues of Latin American serials; and more than 11,600 temporary pocket parts were recorded and inserted.

## United States

The Law Library's half-million-volume collection of American lawbooks continued to be developed through a steady flow of material from the various sources of acquisition. It is interesting to note that, of the 9,245 pieces of American law received, Federal, State, and local government legal publications furnished the largest single block of acquisitions. Altogether, 3,976 were in this category. Numerically next were copyright deposits of lawbooks, amounting to 2,663 volumes and pamphlets. Acquisitions by purchase totaled 1,737 pieces; 682 were transferred from Government agencies; and 55 came through gift. The remainder consisted of material received on exchange or from unrecorded sources. Not counted in the volume and pamphlet total are thousands of periodical issues, and records and briefs; these categories are not added until they are bound or, in the case of many of the latter, placed in boxes for permanent retention in the collections. In addition, 11,626 pocket-part supplements were received and placed in parent works on the shelves, and tens of thousands of looseleaf insert sheets were added to the numerous legal looseleaf services maintained by the Law Library.

The additions to the collection for the most part consisted of currently published American law, and included practically every important lawbook appearing during the year. Since lawyers and other regular users of collections of American law are undoubtedly fully conversant with



these current publications, no useful purpose would appear to be served by attempting to single out representative items from among the thousands of pieces received. Of more specialized interest, if not utility, are a number of noncurrent works, which will be described in the paragraphs that follow.

#### AMERICANA

The Cherokee Nation, which is generally considered the largest and most important of American Indian tribes, originally occupied territory east of the Alleghenies. The Cherokees are also given credit for being the most advanced in culture and intellectual achievements of the tribes north of Mexico. As early as 1820, the Cherokee Nation organized a regular government, including a legislature with paid members, and adopted a code of laws. The *Penal Laws of the Cherokee Nation Passed by the National Council and Approved for the Years 1893-4-5-6* (Tahlequah, I. T., 1898), is valuable because it represents the efforts of a new nation to change many of its established tribal customs by adopting a system of self-government providing for law and order and the legal punishment of infractions. Lester Hargrett's *Bibliography of the Constitution and Laws of the American Indians* records only four other known copies in libraries in the United States.

#### COLONIAL AND STATE LEGISLATION

Since session laws, together with established common law, constitute, with the exception of Louisiana (where Spanish and French civil law take the place of common law), fundamental bases of the law of the 48 States, it has long been the established policy of the Law Library to strengthen in every possible way its holdings of such legislation. In furtherance of this program, it is incumbent to obtain

for the collections copies of the legislative enactments of every American colony and territory preceding its attainment to statehood, as well as copies of session laws published since that time. Substantial progress in this direction was made during the year by a check of session law holdings with the recently published twenty-year supplement to MacDonald's *Check-List of Session Laws*. This covers all published editions of State public and private session laws for the period 1934-54 and brings the earlier *Check-List* up-to-date. A substantial number of orders were placed with dealers around the country and many titles acquired as a result. In addition, a considerable number of volumes were obtained from a local dealer who specializes in session laws and statutes. Together, these two groups of accessions augment the session law holdings by close to a hundred volumes, either not contained in the collections at all or needed to bring the number of copies of legislation for sessions up to established quotas. Three of the outstanding additions may be noted.

For Connecticut, the official edition of the *Acts and Laws Made and Passed by the General Assembly . . . at New-Haven, on the Second Thursday of October, Anno Dom. 1786*, printed at Hartford by Thomas and Samuel Green, has been obtained. This is listed as No. 265 in Bates' *Biographical List of Editions of Connecticut Laws from the Earliest Issues to 1836*. For Massachusetts, two separate collections of acts deserve mention. The first, *Acts and Laws Passed by the Great and General Court or Assembly of the Colony of Massachusetts-Bay in New England*, which was printed at Watertown by Benjamin Edes in 1776, covers the session running from July 19 to November 29, 1775, and includes 17 acts. The most interesting of these, reflecting the spirit of those troublous times, is one which provides for the execution in the colony of

a Resolve of the American Congress of March 14, 1776, recommending "the disarming such Persons as are notoriously disaffected to the Cause of *America*, or who refuse to associate to defend by Arms the *United American Colonies*, against the hostile Attempts of the *British Fleets* and Armies, and for the restraining and punishing Persons who are inimical to the Rights and Liberties of the said *United Colonies*, and for directing the Proceedings therein." The other Massachusetts item covers the session of the General Court of the Colony, beginning in August and extending to October 1776, and includes 22 acts. Worth noting among the legislation contained herein is one designed to regulate and control prices, called "An Act to prevent Monopoly and Oppression" (Chap. XIV). The preamble of this act condemns "the avaricious Conduct of many Persons, by daily adding to the now exorbitant Price of every necessary and convenient Article of Life; and encreasing the price of Labour in general" and the unfairness thereof to soldiers who are serving their country in the Revolutionary War. Price ceilings are set by the Selectmen and a Committee appointed for the execution of this act on wheat, meal, flour, wool, hides, rum, sugar, shoes, cloth, and many other commodities. Penalties were also provided against those selling at prices higher than those stipulated in the act. The other acts obtained by the purchases, while not so rare as the three mentioned above, are nevertheless important additions to the collection of session laws. Included are early and recent sessions of the States of Colorado, Florida, Illinois, Louisiana, Minnesota, New Hampshire, Texas, Wisconsin, and other States.

An interesting association piece added to the collection of colonial law is a copy of the *Code of 1650—a Compilation of the Earliest Laws and Orders of the General*

*Court of Connecticut . . . Commonly Called Blue Laws* (Hartford, [1830]), presented by Mrs. Dwight D. Eisenhower. This volume had been in the possession of her family for many years.

#### TRIALS

Probably the most readable volumes in the realm of law, not only for the legally trained person, but for the layman as well, are accounts of famous (sometimes infamous) trials. The Trials Collection of the Law Library is rich in its holdings of such material. A new publication in this field is *Sixty Famous Cases*, in 10 volumes, containing 29 English and 31 American cases from 1778 to the present, selected and with narrative accounts by Marshall Van Winkle, formerly Member of Congress and Judge of the New Jersey Chancery Court. This includes such famous cases as the A. T. Stewart will case, the Wendel estate claimants' case, the famous British case of *Tichborne v. Lushington et al.*, the *Whistler v. Ruskin* case (the libel case of the American artist against the British art critic and essayist), *Laidlaw v. Sage* (a unique personal action case against the New York financier), the *Mooney* case, the case of *Rex v. Joyce* (the treason of Lord Haw-Haw) and others equally as interesting. It was published in 1956 by Warren S. Ayres of Long Branch, N. J.

#### British Commonwealth of Nations

The overall total of 1,797 volumes and pamphlets of British law received during the year includes 1,276 purchased pieces, 432 pieces received through international exchange, 74 volumes transferred from various Government agencies, and a few items donated either by private or government sources.

Although the English Court of the Star Chamber became synonymous with extrajudicial methods of dispensing justice

towards the end of its existence as a court, in contradistinction to the basic principles of British justice—"the rule of law, not of men"—it exercised a useful authority during its earlier life in the sixteenth century. The origin of the name "Star Chamber" is unknown, but several conjectures regarding its derivation have been advanced. William Lambard (1536-1601), historian and benchman of Lincoln's Inn, in his *Archeion, or A Discourse upon the High Courts of Justice in England* (London, 1635) suggests that the name may have been derived from the Saxon word *steoran* (to steer or rule) for the reason that "as doth the Pilot in a ship; because the King and Councell doe sit here, as it were at the Sterne," while Sir Thomas Smith (1513-77), author, statesman, and professor of civil law, hazards the guess in his *Commonwealth of England* (London, 1640) that it was so called "either because it is full of windowes, or because at the first all the rooffe thereof was decked with Images or Starres gilded." One can hardly quarrel with the purpose of the Decree of the 13th day of November in the ninth year of the reign of Charles I, *A Decree Lately Made in the High Court of Starre-Chamber* . . . (London, Robert Barker, 1633), which was recently added to the Library's materials on this court. It was evidently designed chiefly to protect the general public against exorbitant prices and wrong practices of taverners, ordinary-keepers (restaurant owners) and victuallers (public-house keepers licensed to sell spirits). The *Decree* proclaims:

"1. Against ingrossing, and especially of Graine by Chandlers

"2. That Taverners should not sell Victuall in their houses, for that is against the Law

"3. That Bakers sell not at 14, 15, or 16 to the Dozen, as hath been used [evidently the baker's dozen had been extended be-

yond the proverbial 13—the 13th loaf being the huckster's profit]

"4. Against the excessive Rates of Ordinaries, that none exceed two shillings the Meale

"5. That Ordinary-keepers, Taverners and Victuallers keepe not Houses of Gaming

"6. For the present Rates of Horsemeat and for regulating for the future."

#### YEAR-BOOKS

Year-books, the forerunners of the modern law reporting system, contain recitals of cases decided in British courts covering roughly the period 1270-1535. They were probably made up from notes written in court by students or junior members of the bar and are the best contemporary source of information regarding the machinery of law in those early days. In fact, they were instrumental in establishing the doctrine of legal precedent.

So important are they as legal source material that it has been the goal of the Law Library to make its collection of year-books as complete as possible. This year marks the addition of another volume in this category, published by Richard Tottel of London in 1569. The volume contains year-books for seven terms of the court, covering the regnal years 12-14 of Henry VIII. The first book is captioned *De termino Trinitatis anno regni regis Henrici octavi. XII* (Beale 425).

Mention was made in the acquisitions report of 1954<sup>1</sup> of microfilms of certain portions of the Calendar of Essex Quarter Session Rolls obtained from the Essex Record Office in Chelmsford, England. Recently two more volumes of these records on microfilm were received and deposited in the law collection of the Microfilm Reading Room. They constitute reproductions, in two reels, of volumes XXV

<sup>1</sup> *QJCA*, XI (August 1954), 218.

and XXVI, covering the years 1618-1714, and ending the series.

From the same office, another interesting and unique record of criminal proceedings of two Assize Courts, namely, the Calendar of Assize Files for the reign of Elizabeth I (1558-1603), was secured on microfilm. The Assizes were held each year within the County and were presided over by four judges who derived their authority from a Commission of Gaol Delivery by Letters Patent. The panel of judges usually included at least one Justice of the Queen's Bench or Common Pleas. These records contain documents relating to commissions, writs, calendars of prisoners with their sentences, calendars of justices (with records of which of them were present or absent from court) and, finally, indictments and certificates of coroner's inquests.

The records included in the Assize Files contain not only much useful legal material but are probably among the most valuable sources to be found anywhere concerning social life and customs in Elizabethan times. For example, at the inquest taken at Moulsham (a hamlet of Chelmsford) on January 12, 1581, it was established that the dead man, Thomas Nicholson of Moulsham, a shoemaker, was at the house of Richard Joye, a tailor, on January 2, 1581. There Nicholson assaulted John Newberye of Chelmsford, a butcher, with a cudgel. Newberye fled and, in doing so, fell into a ditch on the highway. Scrambling out "angry," as the jurors said, he drew his knife and stabbed Nicholson, so that he died nine days later. Furthermore, in the village of West Ham, in 1582, John Warde was playing football "*ad pilam pedalem*" on the opposite side to Thomas Turner, a yeoman. During the game Thomas "assaulted" John and dashed him to the ground so that he died instantly. Also, in Stony Field at Gosfield

in February 1582 seven named men and others unnamed were playing football. Richard Elye played on one side, John Pye on the other. The latter was guarding the goal and Elye, coming with the ball "*ad motam vocatam le Goal*," violently collided with Pye so that he fell and sustained fatal injuries. The practice of witchcraft and its punishment occupied a considerable amount of time of the court. One excerpt from the files reads:

Eliz. Garrett and Joan Garrett, both of Cosfield, spinsters, 26 Dec. [1593], there bewitched Ralph Huntman, whereof he died, 28 Dec. following. Eliz. pleads guilty; guilty. Joan pleads not guilty; not guilty.

Also, Joan Thatcher, *alias* Dixie, was alleged to have bewitched three cows, ten sheep, and one pig at Great Bromley in April 1583, so that they died.

The examples mentioned above are just a few of the 2,000 indictments and certificates of inquests in the Assizes Files received on microfilm.

#### REVISED STATUTES

New revisions of the laws of two political divisions of the Dominion of Canada were added to the collection of legal material for that nation. The Northwest Territory comprises the extensive area in Northern Canada that lies north and west of Hudson Bay and Hudson Strait. The recently received revision of laws for that territory, the *Revised Ordinances of the Northwest Territory, 1956* (Ottawa, 1956), in one volume, is the first revision in 45 years. A three-volume *Revised Statutes of Nova Scotia* (Halifax, 1956) is the first compilation for that province in over 33 years. Both of these collections will help to improve the service that can be rendered in answering legal questions for those areas.

Similar improved facilities are afforded the legal researcher in British Commonwealth law with regard to the Colony of British Guiana. This colonial possession



on the northeast coast of South America has issued an 11-volume compilation of laws entitled *The Laws of British Guiana in Force on the 1st Day of July, 1953* (London, 1954). It is the first collection of laws for the colony since 1930.

#### INDIA AND PAKISTAN

Legal material emanating from these two republics of the British Commonwealth has been increasing at a steady rate. The majority of the volumes received contain annotations of basic law, such as contracts, torts, negotiable instruments, and income tax.

Of particular interest are two elaborate editions of the constitutions of India and Pakistan, which have been received as gifts from the governments of those countries. *The Constitution of India* (n. p., n. d.) is a handsome folio volume, embossed in gold. The text is a photolithograph reproduction of the original manuscript, comprising 395 articles, plus the signatures that are affixed to it; and there are a number of illustrations in gold, depicting important eras in the development of India from the Mohenjodaro Period to the Revolutionary Movement for Freedom. *The Constitution of the Islamic Republic of Pakistan*, published by the Ministry of Law at Karachi in 1956, is a less ornate text of 234 articles, beautifully bound in the finest red leather. Both documents are extraordinarily detailed and of course play an important part in forming the groundwork for the legal development of their respective countries. The legal experts who drafted the documents took as their models the constitutions of other democracies, such as Australia, Canada, the Irish Free State, and the United States; and the results they have achieved are truly representative of the political and cultural advances made by the Hindu and Moslem peoples of India and Pakistan in acquiring full dominion status as part of the British Commonwealth.

One of the most important treatises of the new legislation on the status of women in India is the *Hindu Marriage Act* (Act No. 25 of 1955) (Calcutta, 1956). The limited estate of the Hindu woman was long held accountable as the greatest single obstacle to her emancipation. This act, which materially liberalizes the status of women with regard to marriage and divorce, while not definitive, is the first step toward codification of legislation on the subject. It is the work of Rishindra Nath Sarkar, advocate of the High Court of Calcutta, and contains his analysis of the new act as well as a comparison of the old Hindu law on the subject with the newly enacted one.

#### LEGAL PERIODICALS

The number of legal periodicals published in Great Britain and the Commonwealth nations is considerably smaller than the number appearing in the United States. This is principally due to the fact that almost every American law school of any size sponsors the publication of a law review. For this reason, the appearance in England of a new legal periodical merits attention. The *British Tax Review*, which first appeared in June 1956, is a quarterly, designed primarily for the practicing accountant and lawyer. By the end of fiscal year 1956 the tax and rate collectors of the United Kingdom expect to gather in over 5 billion pounds from a population of just over 50 million. As the gross national income is estimated at 16 billion pounds, it is easy to see why taxation is important. To all persons with problems involving British taxation laws, this review aims to provide a clear picture, in simple language, of the basic underlying principles of taxation.

#### Latin America and Spain

A substantial increase of almost 20 percent was recorded in the number of books

and pamphlets acquired in the Hispanic Law Division. Noticeably, no single acquisition may be considered as meriting special distinction because of being "rare," either on the basis of an early imprint or other standard of value. Using instead the special utility of the item as a distinguishing feature, there are a number which deserve description. More specifically, there are four noteworthy reference and bibliographical tools, and a number of excellent tax compilations and treatises.

In the first category is a codification which was commenced in the past year for the Republic of the Philippines. The *Philippine Annotated Laws* (Manila, Lawyers Co-operative Publishing Company, 1956-57), or "PAL," as the editors refer to it, intends to cover all statute law "of a general and permanent nature" together with various organic acts and codes "all completely annotated." This work is similar to, but much more extensive than, the codification of Puerto Rican law which was described in a previous report.<sup>3</sup> Both works were based on the plan employed in the *United States Code Annotated*, which gives the text of the provision of law with pertinent legislative history and case notes. PAL will probably extend to 20 volumes or more and will be complete in 83 titles, of which 58 titles in 11 volumes have been received. The work will be kept current with pocket parts. It is hoped that other Latin American countries may emulate this fine example, for there is no single reference tool of more usefulness and importance, either for the occasional user or the research worker, than a codified body of statutory laws and codes brought up to date periodically.

The Law Library of the University of Miami issued in 1957 a *Guide to Inter-American Legal Studies: A Selective Bibliography of Works in English*, compiled by

S. A. Bayitch, professor of law and Foreign Law Librarian at the university. This is useful, of course, to the scholar who lacks adequate linguistic ability to consult original source materials or other works in Spanish and Portuguese.

Based on the Library of Congress' *Guide to the Law and Legal Literature of Uruguay* (Washington, 1947), a comprehensive legal bibliography was published in 1956 by two graduate law students of the University of Montevideo. The authors, Anatolio Palamarchuk and Victor Baccino Pons, discarded the original plan recommended to them by the dean of the law school to translate the Library's volume into Spanish, and instead elected to issue their *Bibliografía jurídica del Uruguay* in the form of an annotated arrangement of all types of legal literature. This follows the usual civil law system based on the five principal codes and their multiple subdivisions, followed by the major uncoded fields of law. The last two sections of the bibliography cover general collections of law and miscellany not falling within the other divisions. The work is excellent, and proves the advantages of having such compilations done in the country of origin, where there are more direct methods of approach to knowledge in numerous collections and libraries locally, and experts are at hand to be consulted.

A fourth work of a bibliographical nature which merits special mention is of Spanish origin: Gregorio Pascual Nieto's *Bibliografía de derecho civil, mercantil y procesal civil* (Madrid, 1956). In reality this constitutes an index to Spanish legal periodicals, approximately 60 in number, but limited to the three fields mentioned in the title. The first volume covers periodical literature, arranged under each numbered article of the three codes, while the second uses the same material in an alphabetical subject arrangement.

<sup>3</sup> *QJCA*, XII (August 1955), 191.

As a gauge of increased interest on the part of the foreign investor and businessman in the countries of Latin America, it is pertinent to comment on the unusual number of publications on taxation which have appeared in recent years. A justifiable criticism had been made in the past that there seemed to be few orderly compilations of tax legislation or publications with analytical or scholarly treatment of tax matters coming from the presses of Latin America. It was even suggested that the difficulties encountered in not having available sources for consultation on fiscal matters could well constitute a deterrent to investment from abroad and even constitute a bar to tax treaties between governments. Today one finds a number of good compilations and works in this field in both Spanish and English. An official work, dealing with the latest income tax law and regulation in Venezuela, is entitled *Legislación de impuesto sobre la renta*. It was issued by the Treasury Department in Caracas in 1956. The texts of the laws are equipped with helpful marginal headings. There are a number of chapters on analysis by the Code Commission of recommendations made by it to the Congress, legislative debates on various provisions, and an exhaustive subject index covering more than half of the volume. This index briefly digests the individual provisions under pertinent subject headings and gives a correlation between the text of the law and of its implementary regulation in each specific instance.

From Mexico the Law Library has received a treatment of taxation which is completely novel to Latin American legal literature, a work by a certified public accountant, José Daniel Albareda, entitled *Conozca sus nuevas obligaciones fiscales* (Mexico, [1955]). This is truly a practical handbook, of which one finds too

few, containing 200 actual cases and 400 samples of tax situations covering taxpayers in every walk of life. Other aids in the form of computations, information, and forms are also given.

Dr. Javier Espejo Armstrong, in collaboration with Pedro Montt Mujica, has approached the codification of the income tax of Chile from another viewpoint in the two volumes of his *Ley de impuesto sobre la renta y sus leyes anexas* (2d ed., Santiago, 1955), which treat the income tax legislation exegetically. Each article of the law, with its regulation and other amendatory and related decrees, is exhaustively annotated through 1955, with notes on legislative history, references to provisions of other related legislation, administrative orders and rulings, and case-law on all possible aspects. In the latter a brief statement of the holding of the court in each case is given. An elaborate system of cross-references and copious footnotes enhance the reference value of this publication.

Uruguay's most recent contribution to the codification of tax laws relates specifically to those imposed on high incomes and capital gains. Written by Máximo B. Martínez, the compilation is entitled *Impuesto extraordinario a las ganancias elevadas e impuesto a las ganancias eventuales de capital y a las transferencias de empresas* (Montevideo, 1956). From Colombia the Library acquired a comprehensive treatise on gift and transfer taxes entitled *Régimen impositivo de sucesiones y donaciones*, by Pío S. Jiménez Z. (Bogotá, 1956). Brazil has issued a practical manual on its sales tax as *O Impôsto sobre vendas e contribuições no sistema tributário brasileiro* (Rio de Janeiro, 1956). Dr. Manuel Santos Rowe published in Mexico his contribution to tax literature in the form of a 15-year index-digest of the fiscal law of his



country under the title *Indice de legislación fiscal 1939-1956* (Mexico, 1956).

In the English language, the Library has just received the first volume of what promises to be the most scholarly and valuable contribution thus far published on the analysis of the tax systems of Latin America. The present volume on *Taxation in Brazil* (Boston, 1957) is the second of the "World Tax Series" issued by the Harvard Law School, but the first dealing with a Latin American nation. Henry J. Gumpel of the Harvard staff and Dr. Rubens Gomes de Sousa of Brazil are credited with the preparation of this volume. Their report describes the tax system of Brazil in the first four chapters, devoting the second part of the work to an analysis of the income tax and the third part to analyzing other important taxes levied in that country. This work is "keyed" to the entire series, so that comparison can be quickly and easily made of the provisions and practice in each of the countries to be covered. The analytical chapters are particularly valuable, and include many samples of computations, forms, instructions, and administrative rulings. A table showing the provisions of the constitution, codes, statutes, and decrees related to the contents of the book is at the end of the volume.

## European Countries

### EARLY CODES

Leges Riboariorum, Baioariorumq[ue], quas uocant, à Theoderico rege Francorum latae. Item, Alemannorum leges, à Lothario rege latae. Nunc primum uetustatis ergo excusae. Basileae, Anno M. D. XXX.

This book contains the first printed edition of three early codes of laws compiled in the seventh and eighth centuries for the Germanic tribes of Ribuarrians, Alemannians, and Baiuvarians. Those codes laid the foundation, no less than did Roman

law, for the development of modern law in Western Europe. When the Germanic tribes overran the Western Roman Empire in the first centuries of our era they were each governed by tribal custom maintained by oral tradition; but tribal law did not apply to the remnants of the native Latin population, which continued to live under Roman law. Nevertheless, living side by side with this population, the Germanic conquerors gradually absorbed Roman civilization and, with it, Roman law. This Roman law deviated from the law of the classic period of the first centuries of the Roman Empire. It was a local and simplified law commonly called by later scholars "vulgar," or popular law.

Prior to the Justinian codification of the sixth century the individual Germanic kings made several attempts to codify this fusion of Germanic tribal customs with the remnants of Roman law, *i. e.*, the vulgar Roman law as it was actually applied in practice. The compilers of these codes were well schooled in the principles of Roman law. A student of the subject states:

Even those rules which clearly bear the Germanic stamp, are usually formulated in the legal technique and phraseology of the vulgar law, not only because all of these laws were written in Latin, but also because the Germanic tongues of that time had not yet developed an adequate legal terminology . . . .

Even the most superficial reader of these enactments must, as far as language and style are concerned, instinctively find himself engulfed in the atmosphere of late Roman law. The uninterrupted sequence springs to the mind . . . . The amalgamation of vulgar and Germanic ideas was an event of lasting importance. As an element of the Germanic laws, the vulgar law shared their history. On the West-European continent it maintained its effect until the age of the "receptions" of the Justinian law. Thereafter its traces became weaker. But they can be pursued to the present day.<sup>2</sup>

<sup>2</sup> Ernst Levy, *West Roman Vulgar Law* (Philadelphia, 1951), p. 15-17.

Thus these codes, although later called *leges barbarorum*, were in fact the germs of a higher legal civilization. For this reason scholars of a later period were attracted to study them. But their texts, contained in numerous manuscripts, varied, and the authentic readings first had to be ascertained. This book, prepared by Joannes Sichardus (1499–1552), opened the path for printing for the first time three such codes:

(1) *Leges Ribuoriorum*, or Ribuarian Law (Laws of the Ribuarian Franks), compiled by order of Theoderic, King of the Franks (511–34), and later amended by King Dagobert (622–38).

(2) *Leges Alemannorum latae à Clothario rege*, compiled during the reign of the same two kings of the Frankish period and amended in the eighth century by Lanfredo, the Alemannian duke. The organization of the material shows that different parts of the laws originated in different epochs, *i. e.*, that the compilation contains a number of layers of law, beginning with the legal customs prevailing among the Alemannians before their subjection to the Franks.

(3) *Leges Baioariorum latae a Theoderico rege Francorum*. This part of the book is by far the most voluminous. Compiled during the reign of Dagobert I (d. 638), these laws of the Baiuvarians show many similarities with the later laws compiled by the Visigoths, although the strong impact of Roman law sources is manifest. It is the primary source for the oldest Bavarian legislation and as such has been meticulously explored by students of Germanic law.

The editor of this collection, Joannes Sichardus (1499–1552), was a native of Tauberbischofsheim, now Germany. He studied humanities at Ingolstadt, and through his close friend, the famous lawyer and Roman law scholar Ulrich Zasius

(Zäsý), he was appointed professor of rhetoric at the University of Basel in 1525. There he became the close friend of the leading humanists—Erasmus, Amerbach, and Glareanus. Under the influence of Zasius and Amerbach he became interested in legal studies. He had a special predilection for ancient law and, through special authorization from King Ferdinand, he gained access to the libraries of monasteries and cathedrals. He toured the country in 1527 and secured valuable manuscript material from the Abbeys of Lorsch and Fulda as well as from the monasteries of Strasbourg. In 1528 he published the *Breviarium Alaricianum* and in 1530 the *Leges barbarorum* of the Ribuarian Franks, the Alemannians, and the Baiuvarians. As stated by Stintzing (in translation):

By publishing these editions he [Sichardus] has discovered new treasures for learning . . . and they are an honorable testimony of his understanding of history; likewise they have, up to the present day, preserved his name among the representatives of the humanistic school in legal science.<sup>4</sup>

Sichardus left Basel in 1530 and on November 28, 1531, was awarded the *Doctor juris* at the University of Frankfurt-on-Main. He was active in Freiburg as a private teacher and in 1535 he received a call to teach Roman law at the University of Tübingen, where he taught until his death in 1552.

#### ALBANIA<sup>5</sup>

The bulk of the current year's most important material consists of the three main serials, the *Gazeta zyrtare* (Official Gazette) of the People's Republic of Albania, the *Drejtësia popullore* (People's Justice), and the *Rruga e partisë* (Party's Path), the main theoretical organ of the Workers'

<sup>4</sup>R. Stintzing, *Geschichte der deutschen Rechtswissenschaft*, Vol. I (1880), p. 214.

<sup>5</sup>Unless otherwise stated, the publications mentioned in this section were issued in Tirana.

(Communist) Party. All were received regularly.

The *Gazeta zyrtare* contains all laws, statutes, regulations, orders and ordinances issued by the various government agencies.

The *Drejtësia popullore*, organ of the Supreme Court, the Ministry of Justice, and the Chief Government Attorney, devotes its articles and studies to the particular problems of adapting the country's legal system to the demands of the Communist Party. In the past year it ran a series of articles on socialist legality, among which the most significant was written by an editor of the publication to set the tone for the series. Entitled (in translation) "Let us Strengthen the Socialist Legality in the Agencies of the People's Power," it, on the one hand, admitted and condemned arbitrary and unlawful actions committed in Albania by various government agencies and, on the other hand, warned that one must not lose sight of the fact that Albanian laws are of a class nature and, as such, "they protect only the interests of the class which [now] has the power in its hands." Another article of interest, by Dh. Evangjeli, "On the Problems of the Political Functions of the Lawyer in the People's Republic of Albania," describes the lawyer's primary duty of strengthening the sway of governmental power in the field of law. A study by the people's judge S. Sevrani, entitled "The Collectivization of the Village, and Crimes against the Individual," discloses by implication the opposition of the Albanian peasants to the socialist system of farming, which has been very strong ever since the Communists seized power. Last year an all-out drive to collectivize agriculture was put in motion and the whole State apparatus was mobilized for this purpose. The article, in developing the Marxist-Leninist concept that "collectivization is the only road to socialism in the village," comes to the con-

clusion that there is a causal connection between private-property interests as represented in the village by independent peasants, and crimes committed against the individual. The author bases his reasoning on an analysis of cases decided in Albanian courts and sees in the abolition of independent farming and complete collectivization the only effective means to combat crimes against the individual. The issues of this periodical frequently give helpful digests of legislative and administrative acts, particularly important in the administration of justice, and there is an annual subject index.

*Rruga e partisë* contains, as usual, various important studies and articles of a theoretical character on such subjects as "the people's democracy", "the people's power," and so on. It, too, in all the past year's issues has been committed to an all-out campaign for land collectivization. It is noteworthy that one of its articles deals with the general measures which must be taken against those who resist collectivization of the land. It recommends that stricter punishment be applied to the members and the candidate members of the Communist Party, thus suggesting that opposition to the land reform is a problem even among the rank-and-file.

A noteworthy acquisition dating from the period of Albanian independence is the second edition of *La questione agraria albanese* (Bari, 1930), by Prof. Giovanni Lorenzoni of the University of Florence, an authority on agrarian problems and laws. It is generally acknowledged to be the best treatise in this field. It contains a comprehensive study of agricultural conditions and land distribution in Albania as well as a statement of principles upon which land reform should be based. It also includes all draft bills prepared pursuant to Lorenzoni's suggestions for land reform in Albania and the laws

passed on this subject by the Albanian Parliament up to 1930.

#### BULGARIA \*

*Current Material.* The official law gazette, *Izvestiia na Presidiuma na Narodnoto Sŭbranie* (entitled *Dŭrzhaven vestnik* prior to December 1, 1950), remains the primary source of statutory law. Appearing twice a week, on Thursdays and Fridays, it contains laws, edicts, resolutions of the Cabinet, regulations, ordinances, and the like. Supplements (*priturki*) to *Izvestiia*, containing announcements and legal notices, until January 1, 1957, appeared irregularly and under separate number and date. Since that time, the *priturki* have continued to be issued irregularly, but under the numbering and date of the issue of *Izvestiia* to which they are attached. The official monthly collection of decrees and resolutions of the Council of Ministers, entitled *Sbornik postanovleniia i razporezhvaniia na Ministerskiia Sŭvet*, has been received without interruption. In addition, the only legal periodical published in Bulgaria as the monthly official organ of the Ministry of Justice and the Chief Government Attorney's Office, called *Sotsialisticheskopravo*, has arrived quite regularly.

*Survey of Legislation.* A survey of the legislative and administrative enactments issued by the supreme agencies of the state authority of the Republic shows certain changes in several fields of law and administration.

The Second National Assembly held its sixth and seventh regular sessions on November 1, 1956, and February 1, 1957, respectively, and four extraordinary sessions (its fifth, sixth, seventh and eighth) on April 16, June 30, August 18, and De-

cember 27, 1956. Among the new enactments the following are worth mentioning: the Law on the Government Economic Plan for 1957 (January 1, 1957); the Law on the Budget for 1957 (March 19, 1957); the Law on Pensions for Members of the Collective Farms (January 1, 1957); the Amending Law on Government Arbitration (February 5, 1957), providing for the settlement of property disputes arising from the economic and legal relations between the government economic and commercial organizations; and the Amending Law on Copyright (July 10, 1956).

A number of amendments in the texts of the Criminal Code (November 13, 1956), as well as of the Codes of Civil and Criminal Procedure, the Law on the Organization of the Courts, and the Law on the Chief Government Attorney's Office (November 9, 1956) brought certain changes in the judicial system and the administration of justice. Thus, summary proceedings were abolished; it is expressly stated that confession made by the offender no longer relieves the authorities from collecting evidence; during the police inquiry and pretrial investigation the offender may be accompanied and assigned by legal counsel; judicial decisions rendered in political cases may be appealed to the Supreme Court within seven days (prior to November 9, 1956, the time limit for an appeal from sentence rendered in political cases could be reduced to 24 hours); and prisons and other correctional institutions were transferred from the Ministry of the Interior to the Ministry of Justice.

On August 18, 1956, the National Assembly passed a declaration fully supporting the decision of the USSR of July 16, 1956, concerning disarmament.

During the period covered by the present report, the Presidium of the National Assembly, among other things, approved the Statute of the Bulgarian National Bank

\* Unless otherwise stated, the publications mentioned in this section were issued in Sofia.



(November 23, 1956), amended the Edict Concerning Universal Military Service (June 26, 1956), restored the old name of Varna to Stalin, the port city at the Black Sea (October 23, 1956), and abolished the Commission on Prices, created on December 5, 1949, whose functions were taken over by the Council of Ministers (July 20, 1956).

In recent months the Council of Ministers has undergone changes. A number of ministries were abolished or fused (February 5, 1957), and several ministers were dismissed from office. Among the acts issued by the Cabinet, the following are worth mentioning: Resolutions of May 15 and August 21, 1956, concerning approval of the list of facts, information, and objects considered state secrets; a resolution concerning restricted zones along state borders (July 27, 1956); and the joint resolution of the Cabinet and the Central Committee of the Bulgarian Communist Party concerning procurement of jobs for the unemployed in the labor forces (July 10, 1956). The latter represents the first official statement admitting the existence of unemployment in the country. It may be recalled that the present Labor Code and related legislation do not provide for any insurance or social assistance in cases of unemployment.

The Cabinet also approved a variety of regulations concerning the tasks and organization of the Ministry of Public Education (May 29, 1956), documents of ships flying the Bulgarian flag (June 1, 1956), the registration of commercial ships in Bulgarian ports (June 22, 1956), and others.

In the field of international relations, Bulgaria became a party to a great number of international treaties and agreements. According to the official law gazette, bilateral conventions covering the following matters were entered into by Bulgaria and

Yugoslavia: sanitary-prophylactic and antiepidemic measures in the border zones (December 11, 1955, Belgrade); veterinary-sanitary matters (June 17, 1955, Sofia); judicial assistance in criminal and civil matters (March 23, 1956, Sofia); and cultural cooperation (December 24, 1956, Belgrade). Trade agreements were signed with Lebanon (September 15, 1956, Beirut); Syria (June 2, 1956, Damascus); and Ceylon (June 17, 1956, Colombo).

As regards multilateral treaties, Bulgaria was accepted as a member of UNESCO on April 17, 1956, and of the International Bureau of Weights and Measures on May 18, 1956. Bulgaria on June 1, 1956, ratified the International Convention for the Safety of Life at Sea, signed in London on June 10, 1948; the Convention for the Protection of Cultural Property in the Event of Armed Conflict, signed at the Hague on May 14, 1954; and the convention for protection from and prevention of contagious diseases, including malaria, in the border zones between Bulgaria, Greece, and Yugoslavia, signed in Athens on March 30, 1956. On June 5, 1956, it ratified the International Telecommunications Convention, signed at Buenos Aires on December 22, 1952.

*New Index to Laws.* In addition to three earlier indexes covering legislation from the time of the liberation of Bulgaria in 1878 through December 31, 1951, and an index embracing statutory law as well as international treaties and agreements enacted or entered into by the present government from September 9, 1944, to December 31, 1952, the Law Library acquired another official index compiled by Khr. Maksimov, namely *Spravochnik po zakonodatelstvoto na N. R. Bŭlgariia zakoni, ukazi, postanovleniia i razporezhvaniia na Ministerskŭia Sŭvet, naredbi, pravilnitsi i dr., obnarodvani v "Izvestiia na prezidiuma na narodното sŭbranie" ot 1. I. 1953 g. do*



30. VI. 1954 g. (1955). This index covers the period from January 1, 1953, to June 30, 1954.

*Law Books.* The historical development of the Bulgarian state and the history of Bulgarian law are discussed in the light of the Marxist concept of law and the state by Dimitur Angelov and Mikhail Andreev in *Istoriia na bŭlgarskata dŭrzhava i pravo* (1955).

The two volumes of *Osnovi na dŭrzhavata i pravoto na N. R. Bŭlgariia* (Fundamentals of Bulgarian Law and the State) were issued in a second revised edition (1954-55). Mikhail Genovski and Dimitur Dimitrov contributed to both volumes, while Aleksandur Kozhukharov, Karol Telbizov, and Liubomir Radoilski collaborated with them on the second volume. As explained in the authors' preface, this edition represents a thorough revision of the first as a result of the "appearance of Stalin's work on 'Economic Problems of Socialism in the U. S. S. R.' and the XXth Congress of the Communist Party of the Soviet Union," and of the criticism made within Bulgarian party circles and the new decisions taken at the VIth Congress of the Bulgarian Communist Party in February 1954. This work deals with theory of law and the state, law of the state of the People's Republic of Bulgaria and its administrative law, civil law, labor law, and criminal law.

A comprehensive treatise on the present Bulgarian administrative law (special part) was jointly produced by Petko Stainov and Angel Angelov, both professors of the Law School of Sofia University, under the title *Administrativno pravo na N. R. Bŭlgariia, spetsialna chast* (1954). This volume was published in mimeographed form to serve as a textbook.

In the field of civil law, Al. Kozhukharov's *Obligatsionno pravo* (2 vols., 1952-53) deals with the general theory of legal

obligations and individual contractual relations as reflected in the present Bulgarian legal order. This work covers legislation on the subject up to November 1, 1951.

Miko Khinov, a judge of the district court of Sofia, is the compiler of court decisions which arose in connection with the application of the Law on Persons and Domestic Relations of 1949 as amended. His work, entitled *Zakon za litsata i semeistvoto, tekstove i sŭdebna praktika* (1953), contains, besides the text of this law, the Regulation Concerning the Names of Citizens of June 9, 1953, and the text of the Amending Law of November 6, 1953, together with the message accompanying the Amending Law submitted by the Minister of Justice, Radi Naidenov, and his speech before the National Assembly.

Among other items of civil law, there is a study by D. Konstantinov devoted to the question of the duty of support between members of a family, *Zadŭlzheniia za izdrŭzhka* (1954).

Angel Angelov published a mimeographed textbook on the financial law of the People's Republic, entitled *Finansovo pravo na N. R. Bŭlgariia* (1955). Another publication in this field is *Sbornik finansovi zakoni* (1956), a collection of both unabridged and excerpted legislative enactments having provisions dealing with the financial system and its operation in Bulgaria under the present regime. The most recent of these enactments is dated August 9, 1955. Under the editorship of Dimitur Dimitrov, the compiler of this work, Dr. Milcho Kostov, systematizes all the legal sources in the field of financial law. Apparently the compiler construes the term "financial laws" in a very broad sense, including many other branches of law, such as insurance, money and credit, taxation, and the like.

In the field of labor law, two works are noteworthy accessions. The first, *Kodeks*

na truda, sbornik trudovi zakoni, ukazi, postanovleniia, razporezhvaniia, pravilnitsi, naredbi, instruktsii i dr. po trudovite otnosheniia, osiguriavaneto i pensioniraneto (1955), is a collection of all legislative enactments dealing with labor, social security, and pensions. It was compiled by Khr. Terziev under the editorship of Dimitur Dimitrov. The other, *Konsultatsii po kodeska na truda* (1955), a joint work by Nikola Kamenov, Liubomir Vulchanov, and Liudmil Pavlov, represents a collection of legal opinions for workers and employees concerning practical situations in everyday life, systematically arranged according to the order of the provisions of the Labor Code.

*Sbornik zakoni po pozemlenata sobstvenost, zemepolzuvaneto i zemeustroiavaneto* (1955), a compilation by Nik. V. Vachev, contains all the legislation in the field of property and land tenure law.

Vladimir Kutikov's *Mezhdunarodno chastno pravo na Narodna Republika Bŭlgariia* (1955) is the first publication on private international law since the establishment of the government in power and the introduction of a legal system after the Soviet pattern. The subject, as emphasized in the author's preface, is discussed in the light of the "achievements of the socialist, and above all, of the Soviet science of private international law." Moreover, Kutikov claims that his is the first attempt ever made to examine the Bulgarian system of private international law as "based on the position of the Marxist concept of law." In addition, this volume examines a number of international treaties and agreements to which Bulgaria is a party and in which various private international law problems are involved. The court decisions cited in the book, as well as the brief bibliography which follows every subsection, are of great value. The book's primary purpose, as

stated by the author, is to serve as a textbook for students at the Law School of the University of Sofia, where the teaching of private international law is included in the curriculum.

Zhivko Stalev, professor of law at the University of Sofia, published, under the auspices of the Bulgarian Chamber of Commerce, a booklet in English entitled *Foreign Trade Arbitration Committee* (1954). This committee was created by Cabinet Resolution No. 9 of February 4, 1952, as a special permanent arbitral tribunal for settlement of legal disputes arising from transactions involving trade between foreign firms and economic organizations and enterprises of the People's Republic of Bulgaria. Stalev gives a complete description of the committee's nature, organization, competence, and arbitral proceedings.

Among acquisitions relating to Bulgarian law prior to World War II is the valuable work of Khr. Vurgov, *Konstitutsiata na Bŭlgarskata pravoslavna tsŭrkva, istoriia i razvoi na Ekzarkhiiskŭia Ustav* (1920). It is a documentary exposition of the history and development of the Statute of the Exarchate or, as the author calls it, the Constitution of the Bulgarian Eastern Orthodox Church. In his research the author has taken in the period beginning with the issuance of the Firman of the Ottoman Sultan concerning the formation of the Bulgarian Exarchate (1870) down to the first years after World War I.

*Court Decisions.* Up to the present time, the Law Library has not received any official collection of court decisions dated after the establishment of the Supreme Court of the Republic in 1948. Besides fragments of court decisions contained in a few textbooks and collections of laws, the legal periodical *Sotsialistichesko pravo* remains the only source of court decisions and directive rulings of the Supreme Court and other courts. This

periodical has also frequently published decisions of the Court of Government Arbitration at the Council of Ministers, and is the only source for such material.

#### CZECHOSLOVAKIA

*Current Legal Material.* Both official collections of laws, *Sbírka zákonů* and *Zbierka zákonov*, as well as the official gazettes, *Úřední list* and *Úradný vestník*, were received regularly. The following are some of the more important laws of the past year: Law No. 33 of July 31, 1956, on Slovak National Agencies; and three laws of September 24, i. e., No. 45 to reduce working hours from 48 to 46 per week, No. 46 by which Law No. 58 of 1958 on institutions of higher education was amended, and No. 47 on Civil Aviation. Laws Nos. 54 to 57 of November and December regulate insurance law. Four laws, Nos. 63 to 66, which were enacted on December 19, amended, respectively, the Criminal Code of 1950, the Code of Criminal Procedure, the Law on the Public Prosecutor, and the Law on the Organization of Courts. Law No. 68 of December 20 provided a new organization for physical training. In addition to the above-mentioned law collections, volumes of the records of the National Assembly, *Těsnopisecké zprávy*, through September 1956, were received.

The Library received Karel Knapp and Zdenka Vaňková's *Komentář k zákonu o matrikách a k zákonu o užívání a změně jména a příjmení* (1956), an annotation of the Law on Civil Status Records and of the Law on Use and Change of Personal Names, published by the Juridical Institute of the Ministry of Justice. The same institute is publishing *Zemědělství, sborník právních předpisů*, a collection of agricultural laws in force in Czechoslovakia which will appear in three volumes. The Library has the first and second volumes (1955 and 1956), containing regulations on agricultural administrative agencies,

unified agricultural cooperatives, use, protection, and evidence of title and transfer, confiscation, allocation of the land, land reforms, planting, livestock, purchase and compulsory delivery of agricultural products, etc. Another collection, *Zdravotnictví, sborník právních předpisů*, is a compilation of health laws (3 vols., 1954-55). It contains all laws on health services administration, on medical care, on protection and preventive measures against contagious diseases, special medical care for working people, women and children, health care in schools, on medical institutes, medical staff, on the Czechoslovak Red Cross, on drugs, medical equipment, and the like. This collection is claimed to be the first one of its kind issued in Czechoslovakia.

Czechoslovak law schools have been publishing a number of textbooks for use in their schools. Some of the more important ones that have been received are the following: *Základné právne pojmy* (Basic Legal Concepts), by Ján Bakiča (1955); *Dějiny ľudových demokracií* (History of the People's Democracies), by E. Kisslingová, H. Vajsová, and M. Bodlák (vol. 2, 1956); *Státne právo ľudových demokracií* (Constitutional Law of the People's Democracies), by Karol Laco and Stanislav Matoušek (1955); *Krátké dějiny státu a práva v Československu* (Concise History of the State and the Law in Czechoslovakia), the doctoral dissertation of Václav Vaněček (1955); *Československé státní právo* (Czechoslovak Constitutional Law), by the Department of Constitutional Law of Charles University (2 vols., 1956); *Trestní právo, část zvláštní* (Criminal Law, Special Part), by a number of faculty members of the Law School of Charles University under the direction of Dr. Vl. Solnař (1953); *Trestné právo ČSR* (Czechoslovak Criminal Law), by Vojtech Hatala and Eugen

Bylém z Rožmberka a na Českém Krumlo-  
vě / Správcea Wládati Domu Rožmberské-  
ho / a Nejvyšší Purkrabě Pražský.



Vladislav Starší z Lobkovic  
na Chlumci a Biskupce / Nejvyš-  
ší Hoffmeister Brálovství Českého.

Štěpán z Lobkovic na Libochovi-  
cích a Vělnice / Nejvyšší Komor-  
ník Brálovství Českého.

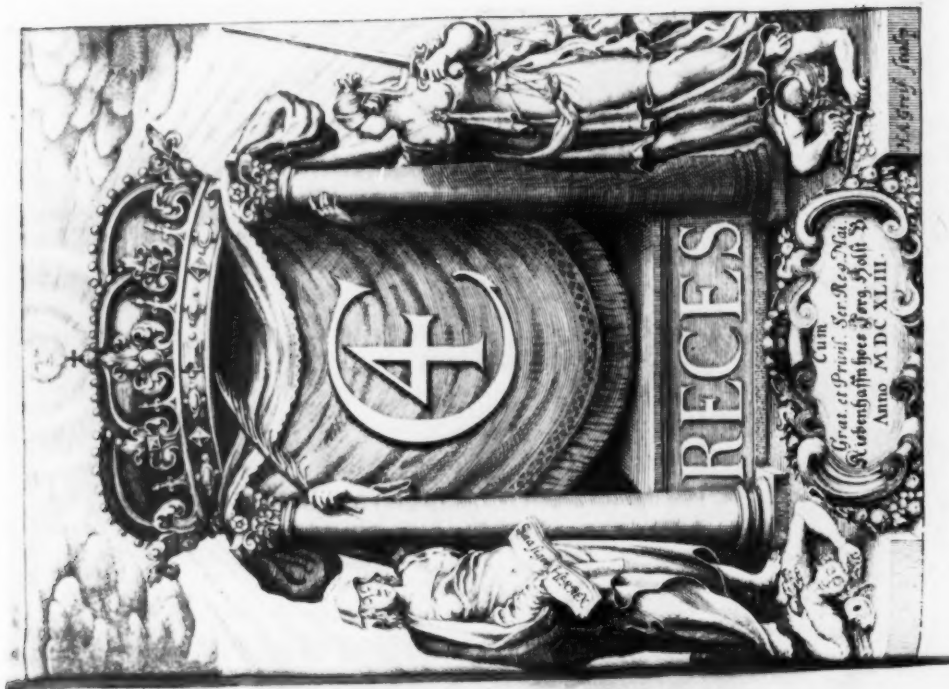


*Prunc z Kuny / zámek Lány  
Království českého 1584*





*Christianus quartus Daniæ Norvegiæ, Vandalorum Gothorumque Rex, Slesvici Holstie, Stenmarie, et Dithmarie et Duce Comes in Oldenburch et Delmenhorst. etc.*  
*S. Savoy m. Amstelred. Excudit. & Høst. B. Duvallavit.*



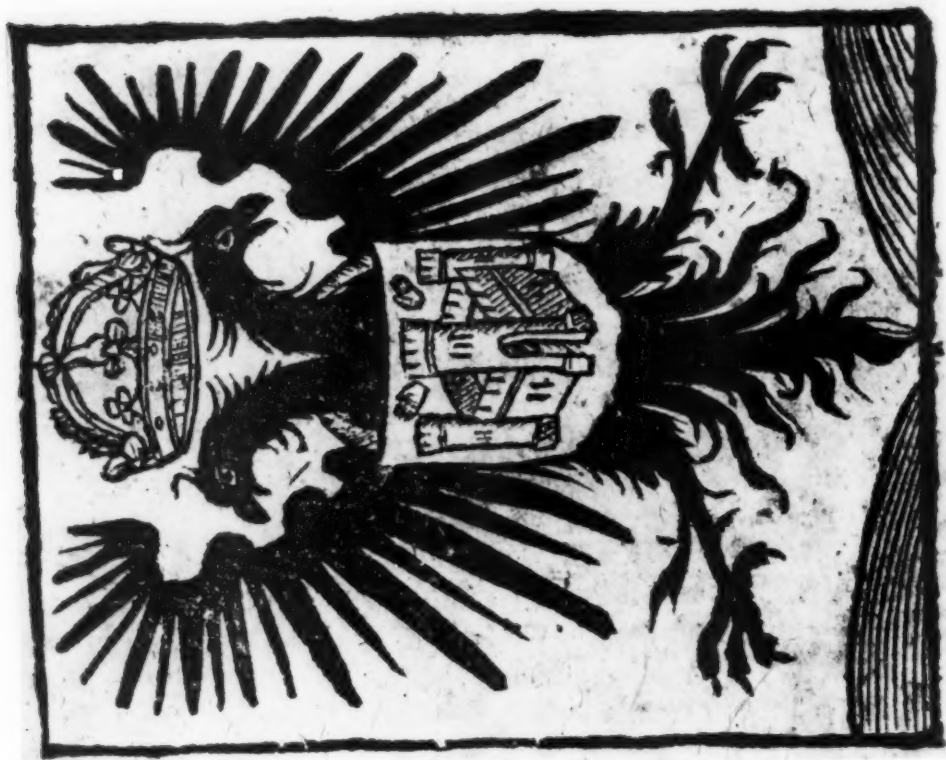
Engraved title page and portrait of King Christian IV of Denmark and Norway, in *Judske Lowbog* (Copenhagen, 1643).



# Den spiegel van sassen vā allen keyserliken rechten



*Title page of DEN SPIEGEL VAN SASSEN VAN ALLEN KEYSERLIJKEN RECHTEN (Antwerp, ca. 1504).*



*Woodcuts in DEN SPIEGEL VAN SASSEN VAN ALLEN KEYSERLIJKEN RECHTEN (Antwerp, ca. 1504).*

Husár (1955); *Finanční právo* (Finance Law), by Bedřich Spáčil (1956); *Československé pracovní právo* (Czechoslovak Labor Law), by Karel Witz and Jiří Hromada (1955); *Kapitoly z kulturní politiky* (Chapters on Cultural Policy), by Stefan Pasiar (1956); *Organisace a plánování odbytu* (Market Organization and Planning), by Vladimír Kosík (1955); *Používání práva v zahraničním obchodě* (Application of Law to Foreign Trade), by Erik Singer (1956); and *Nástin mezinárodního práva soukromého* (Outline of Private International Law), by Rudolf Bystrický (1953).

Among standard treatises, an important one by Pavel Peška, *Ústavy lidově demokratických zemí* (1954), is a comparative work on constitutions, their structure and characteristics, for the countries behind the Iron Curtain and China, Korea, and Mongolia. Two other treatises discuss international questions: *Mezinárodní obchodní úmluvy a instituce*, by Rudolf Bystrický (1955), which deals with international economic agreements, their legal forms, with the regulation of trade relations of the people's democracies, and with international agencies concerning trade cooperation; and *K otázce pokojného řešení mezinárodních sporů*, by Ján Azud (Bratislava, 1955), which discusses peaceful solutions to international disputes.

The Library received during the year two new important serials issued by the Czechoslovak Academy of Sciences. Two annual issues of *Studie z mezinárodního práva*, prepared under the general editorship of Dr. Jaroslav Žourek, were received. Issue No. 1 (1955) states that the purpose of the publication is to compile, step by step, works on basic problems of international law and thus to prepare for a later time systems of both public and private international law on a scientific basis. The second issue (1956) contains, among

others, a list of Czechoslovak international bilateral agreements as of January 1, 1956.

Issues Nos. 1 (1955) and 2 (1956) of *Právněhistorické studie* constitute, according to the editors, Jaroslav Houser and Jiří Kejř, a first attempt to collect in one symposium scholarly works concerning the history of the state and the law from the point of view of historical materialism. The series includes summaries in Russian and German.

*Early Czech Law Books.* The early Czech law, which attained its highest development in the sixteenth century, has always attracted students of the history of law because of its originality and high degree of evolution. Its study outside of Czechoslovakia was difficult, if not impossible, however, because of the lack of sources and literature covering this period of more than three centuries. The Library has succeeded in the past decade in acquiring an important collection of this material, some of it in contemporary editions. Examples have been described in previous reports. Last year other important works were added to this collection.

The Library acquired an almost complete set (lacking one volume) of *Archiv český čili staré písemné památky české i moravské* (1840–1944; vols. 1, 3–37 [34 never published]; vol. 37 in three parts). This is a monumental work in which the most important early Czech writings, including many on Czech law, are reprinted. *Archiv český* was founded in 1840 by the Czech historian František Palacký, who edited and published the first six volumes. It was continued by the noted historian of early Czech law, Josef Kalousek, under whose direction the editing of individual documents was entrusted to the best Czech experts on legal history: Jaromír Čelakovský, Antonín Rezek, Josef Emmmler, František Dvorský, and others. The publication was expertly edited and—according to Jan

Kapras, an authority on Czech legal history—it is one of the most important collections of texts of early legal sources, the only other of comparable importance being Hermenegild Jireček's *Corpus juris Bohemici*.

The main original source of early Czech law is, of course, the Records of the Land (*Zemské desky*). In these records were entered the resolutions of the Diet of the Land, decisions of the land courts, privileges granted by the King, and legal transactions involving property. The noted Czech historian of law, Jaromír Čelakovský, stated that the Records of the Land

for centuries were a mirror of our law of the Land, the foundation of liberties and rights of the country and its inhabitants, and contributed greatly to the regular functioning of courts and to the upholding of free estates in the hands of the country's inhabitants by securing their ownership and encouraging credit. Other official records were established and improved after their pattern in our country, e.g., the municipal records as early as the thirteenth century, and also official records in the neighboring countries, particularly in Poland, Brandenburg and in the Austrian Hereditary Lands as is recognized and stated by outstanding experts. (Jaromír Čelakovský, *Povšechné české dějiny právní*, Prague, 1900, p. 218.)

There is no reliable information as to the time when the Records of the Land were first established. The earliest entry which has been preserved dates from 1287; however, it is probable that court records existed in the Czech Lands in the twelfth century (*Ibid.*, p. 218). In Bohemia the Records of the Land were kept in Prague. In Moravia they were kept in two administrative and judicial centers, Olomouc and Brno. In Moravia, in the course of time, separate records were established of proceedings of the land courts in controversies submitted to them, of which only a part are preserved. A modern edition was prepared and published by Vincenc Brandl in six volumes during the years 1872–95

under the title *Libri citationum et sententiarum; seu knihy pŕihonné a nálezové*. The Library acquired this work in 1951.

The records of privileges granted by the King and of legal transactions involving free property, called Major Records of the Land, were preserved completely. A modern edition began to be published in 1856 under the title *Moravské zemské desky* (Records of the Land of Moravia), but after the publication of the first volume in two parts (containing entries made in the Records in the years 1348 to 1466), the work was interrupted, and more than 80 years passed before it was resumed. In 1948 and 1950 two parts of the second volume, reproducing entries made in the years 1480 to 1566, were published. Part one of the third volume, covering the period 1567 to 1642, followed in 1953. These three valuable publications were recently acquired by the Library. The publication of the second part of the third volume has been announced.

Another important source of early Czech law is found in the privileges granted by the King and other persons in power to individual municipalities. These are the foundations of municipal law, which attained final expression in the famous codification of the sixteenth century, *Městská práva království českého*. In 1886 Jaromír Čelakovský started to publish a collection of these documents under the title *Codex juris municipalis regni Bohemiae*. In his introduction to the first volume Čelakovský stated:

Municipal law [in Bohemia] was connected in many ways, in particular by its origin and beginnings, with the development of law in the neighboring and even the more remote nations of Europe . . . but in our soil it developed in many respects its own character and substance; its growth and improvement were furthered by the strong authority of the sovereign who saw his own and the country's interest in the promotion and development of the cities' popu-



lation; thus this law is also a product of our national legal mind.

According to the program outlined by Čelakovský in the same introduction, the collection was to be published in 14 volumes. Of this monumental work Čelakovský actually issued only two, the second in 1895. The Library has both of them. In 1948 a third volume was published, edited by Gustav Friedrich; and it was followed in 1954 by part one of the fourth volume, edited by Antonín Haas. Both of these were recently acquired.

It is natural that in a nation with such a highly developed sense of law as the Czech, the legal systems of other countries as well as treatises of foreign legal experts were eagerly studied. Several such treatises were translated into the Czech language. One of them was Georg Lauterbeck's *Regentenbuch*, translated into Czech and published by Daniel Adam z Velešlavína in 1584 under the title *Politia historica. O wrchnostech a sprawcých světských*. This splendid edition, decorated with fine woodcuts of the arms of Bohemia and of 13 coats of arms of Czech nobility (see illustration), in a well-preserved contemporary binding, was acquired by the Library. The edition is described in Jungmann's *Historie literatury české*, pt. IV (1526-1620), no. 727, and in *Knihopis českých a slovenských tisků*, no. 4735. The edition is not a straight translation of Lauterbeck's work. As the translator states, it was "enriched and enlarged in several places by interesting illustrations." In addition there is an interesting preface by the translator, a short treatise on criminal procedure, translated from German, and a *Registrum*.

Jaroslav Čelakovský summed up his extensive studies of early Czech law in his *Pověšné české dějiny právní* (Outline of Czech Legal History). The second edition of this work, published in Prague in 1900,

was acquired. It is one of four important general works on Czech legal history, the others being *České státní právo* (2d ed., 1892), by Josef Kalousek, *Právní dějiny země koruny české* (1913), by Jan Kapras, and *Rechtsgeschichte der böhmischen Länder* (2 vols., 1923-28), by Otto Peterka, all of which are in the Library's collections.

#### DENMARK

The law of the Scandinavian countries derived its particular features from the beginnings of their legal history. Denmark, Norway, Sweden, and Iceland each possessed written general law books or codes as early as the thirteenth century. These had replaced the earlier law books (*rets-bøger*) of individual provinces. The earliest among the countries' codes was the Code of King Waldemar II of Denmark, the *Jydske lov-bog*, promulgated in 1241. In 1326 the *Jydske lov*, with later additions, was given by the King and the *Riksdag*, the forerunner of the parliament, the authority of an official law. This early code, revised in 1590, remained the principal source of law in Denmark for over 350 years. A recent acquisition is the 1643 edition, entitled *Jüdske lowbog* (Kjöbenhaffn, 1643). In addition to King Waldemar's law, this volume contains a number of royal enactments supplementary to the old lawbook, issued between 1558 and 1643. Among them is the Maritime Law of Frederik II of 1561, which is one of the first national codifications of the maritime law (John Henry Wigmore, *A Panorama of the World's Legal Systems*, Washington, 1936, p. 915). Each of these appended items has a separate engraved title page. A general index (87 pages), printed in 1644 and bound with the statutes, covers the *Jüdske lov* as well as all later enactments.

Changes in the government and the way of life in general motivated a reform in



the middle of the seventeenth century. On the initiative of King Frederik III, special commissions were appointed to revise the laws of the kingdom and several drafts were prepared. This work was brought to completion under King Christian V in 1682. The new Code was promulgated on April 15, 1683, as the *Kong Christian den Femtes danske lov* (King Christian V's Danish Law). It was printed under this title the same year by Joachim Schmedtgen (Kjøbenhavn, 1683), and a copy of this original edition has been acquired.

The compilation of the Code was done principally by Rasmus Vinding, a professor of Greek and history at the University of Copenhagen and a member of the Supreme Court, and by Peder Scavenius, a professor of law, attorney general, and member of the Supreme Court. A Danish legal historian characterizes the Code as a "systematically compiled collection of legal provisions already in force" (Poul Johs. Jørgensen, *Dansk retshistorie; retskildernes og forfatningsrettens historie indtil sidste halvdel af det 17aarhundrede*, 2 ed., København, 1947, p. 156). Its sources were primarily the previous laws of Denmark, among them the *Jydske lov*, as well as judicial practice. Foreign influences, such as those of Roman and canon law and laws of Sweden, upon its provisions were limited. "Its provisions are simple, liberal, and humane, and its language is reasonably clear and easily understood." (*A General Survey of Events, Sources, Persons, and Movements in Continental Legal History*, edited by John H. Wigmore, Boston, 1912, p. 559.)

The *Danske lov* is divided into six books, which in turn are divided into chapters and articles. The individual books treat the subjects of courts and practice, ecclesiastical regulations (religion and clergy), civil administration, family relations, maritime

law, property and debts (including inheritance law), and the Penal Code.

The new codification was intended to supersede all preceding legislation. In the preamble to the Code the application of "all former laws, ordinances and rules, as far as the same are not herein included" was prohibited. However, several fields of law were left outside the scope of the code and were made subject to special legislative acts. These included, for example, military matters, fiscal matters, and the status and privileges of the different classes of the population.

The Code of Christian V has remained in effect up to the present time, as amended by new legislation. It would be of interest to note that the most recent edition of the Danish laws, *Danmarks love, 1665-1949* (København, 1950), lists on 11 pages of fine print 140 sections of the *Danske lov* which are still considered to be in force. This Code since 1755 had been applicable in the West Indian colonies of Denmark and, with the acquisition by the United States of the Virgin Islands from Denmark in 1917, it was continued as part of the law for them. In 1756 an English translation of the Code was specially published for use in the Danish colonies of the Virgin Islands: *The Danish Laws: or the Code of Christian the Fifth. Faithfully Translated for the use of the English Inhabitants of the Danish Settlements in America* (London, 1756). This translation, however, does not contain the provisions on religious matters contained in the second book of the Code.

There are also Latin and German translations of the Code of Christian V. The Library's collection includes the first German translation of 1699, *Koenigs Christian des Fuenfften, daensches Gesetz* (described in the *Annual Report of the Librarian of Congress* for 1936, p. 83), and the Latin translation of 1710 by P. A.

Høyelsen, *Regis Christiani Quinti leges Danicae* (Haunia, 1710). Among the recent additions to the Law Library collection there is also a French translation of the fourth book of the Code, the maritime law, *Droit de marine de Danemarck, traduit en françois du livre IV. des loix danoises, avec le danois à coté* (n. p., n. d.). It contains the Danish and French texts in parallel columns and was apparently printed at the beginning of the eighteenth century.

The Library has also acquired two later editions of the Code of Christian V. These editions of 1753 and 1797 are the third and fourth, according to *Bibliotheca Dania* (Kiøbenhavn, 1877). Bound with the 1797 edition is an alphabetical subject index (1833) which was compiled by T. Algreen-Ussing, one of the foremost Danish jurists of the time. Modern editions of the text of the Code of Christian V are those of 1911 and 1929 by V. A. Secher and, as the latest, the edition of 1949 by Stig Iuul, *Kong Christian den Femtes danske lov af 15. April 1683; udgivet paa grundlag af V. A. Sechers tekstudgave ved Stig Iuul*. This 1949 edition contains a note to every section of the Code, indicating its source and the act by which it has been repealed. All these editions are in the Law Library.

It should be mentioned that the Code of Christian V served also as the prototype for his Code of Norwegian Laws (*Norske lov*) of 1688, the two countries at that time being united under a common sovereign.

#### HUNGARY<sup>7</sup>

The small quantity of legal material published in Hungary was being received quite regularly until the uprising of October 23, 1956. Since then neither law books nor law periodicals have been received, with the exception of the official gazette,

<sup>7</sup> Unless otherwise stated, the publications noted in this section were issued in Budapest.

*Magyar közlöny*, which is the prime source of the extensive statutory material issued by the government of János Kádár. Its delivery has been maintained almost up to date, as has that of the official publication of the Supreme Court, *Bíróági határozatok*, which is the only available court reporter. The latter, a monthly, was not issued for three months as a consequence of the uprising of October, and the February 1957 issue was the first to come out after the suspension.

Among the postwar material received within the last 12 months, the university textbook on Hungarian domestic relations, *Magyar csládi jog* (1949), by Endre Nizsalovszky, deserves special attention. This is one of the few works which clearly illustrate the slow but certain evolution of Hungarian civil law toward the Soviet Russian pattern during the period preceding the enactment of the People's Democratic Constitution in August 1949. This development reached a climax in the enactment of a new law on domestic relations (Law No. 1952:IV). An annotated edition of this law and its implementing decrees has also been received, entitled *A családjogi törvény*, the work of Jenő Bacsó, Géza Rády, and Viktor Szigligeti (1955).

A study by Gyula Eörsi, *Az amerikai igazságszolgáltatás* (1953), presents a distorted and satirical picture of the administration of justice in the United States, accusing American jurists of Fascist tendencies and decisions contrary to the best interests of the people. The influence of Soviet Russian propaganda seems exemplified in such a viewpoint.

The prewar Code of Civil Procedure was replaced by Law No. 1952:III, bringing Hungarian civil procedure closer to conformity with the Soviet pattern. In order to make the principles clear to practicing lawyers, the Institute of Political and Juridical Sciences, which is closely con-

nected with the Law School of the University of Budapest, published a volume containing a number of studies on this subject under the title *A magyar polgári perjog főbb kérdései* (1953).

The university textbook on Hungarian labor laws by Andor Weltner, *A magyar munkajog* (1955), gives a comprehensive treatment of the subject, including agricultural labor.

Two newly received textbooks dealing with international law are interesting and informative. One, edited by Gyula Hajdu and entitled *Nemzetközi jog* (1954), deals with the public aspects of international law from a strictly Communist point of view. The other, *Nemzetközi magánjog* (1955), by László Réczei, analyzes the new conflict of law, describing Western and Communist theories on this subject and arguing for the superiority of the Soviet concept of private international law.

The government of Hungary continues to publish compilations of statutory rules in force for the use of specific officials and offices. *A tanács törvény és végrehajtási utasításai* (Law on Soviets and Its Implementing Decrees), covering statutes to August 15, 1955, was published in the latter part of that year. A second edition, covering statutes to May 31, 1956, appeared shortly after that date. In the second edition of this work a directive of the Chairman of the Council of Ministers is also published. Such directives are not as a rule printed in publications received by the Library.

Another compilation recently received is the *Hatályos könyvtárügyi szabályok gyűjteménye* (Collection of Rules in Effect on Libraries), a mimeographed publication of the National Széchenyi Library. It apparently contains all statutory material governing libraries issued after 1949 and still in force in 1954. Like similar compilations, this publication also contains

a number of instructions hitherto unknown outside the circle of professional librarians, since they were previously published only in departmental bulletins of limited circulation.

*Munkaügyi jogszabályok gyűjteménye* (Collection of Statutes on Labor Problems), an official collection issued in 1955, is useful and informative not only for officials and practicing lawyers but also for the general public. In addition to the recent text of the Labor Code and its implementing decrees, this volume publishes numerous directives and regulations hitherto accessible only to a very limited number of interested persons.

The valuable bibliography of legal science and public administration, *Jogi és államigazgatási bibliográfia*, published by the Institute of Political and Juridical Science and edited by Lajos Nagy, is now complete from 1952 to the end of 1955. Written with a Soviet bias, the 1955 work by Imre Szabó, *A burzsoa állam- és jogbölcselet Magyarországon* (Bourgeois Political and Legal Philosophy in Hungary) is on the borderline between jurisprudence and philosophy.

István Verböczy's *Tripartitum*<sup>8</sup> had been accepted for more than two centuries as a code of the customary law of Hungary when the first critical commentary to this work was published in the early eighteenth century by János Szegedy (1699–1770)—*Tripartitum juris Hungarici tyrocinium juxta ordinem titulorum operis tripartiti*. Two editions of this famous treatise have been acquired, the second (Tyrnaviae, 1734) and an enlarged one published at Zagreb in 1762.

By the same author is the *Rubricae sive synopses titulorum, capitum & articulorum, universi juris Ungarici* (Nagyszombat, 1734). This is a chronological, an-

<sup>8</sup> *QJCA*, X (August 1953), 214, and XIII (August 1956), 239–40.

notated index to the laws included in the *Corpus juris Hungarici*.

Based on Verböczy's *Tripartitum*, Pál Prileszky's *Quadripartitum juris consuetudinarii inclyti regni Hungariae ad elaborandum susceptum, in suos libellos raedactum* (Sopron, 1743) deals with the entire field of Hungarian civil law.

No one has contributed as much to the knowledge of medieval Hungarian laws as the father-and-son research team, Márton György Kovachich and József Miklós Kovachich. The father (1744–1821) was the archivist of the University of Buda, while the son (1798–1878) was chief archivist of the Royal Hungarian Archives. Both authors discovered a number of statutes enacted by the Diets which had not been included in the *Corpus juris Hungarici*. A work by the older Kovachich recently acquired is *Vestigia comitiorum apud Hungaros ab exordio regni eorum in Pannonia, usque ad hodiernum diem celebratorum* (4 vols., Buda, 1790); and a joint effort by both is *Astrea, complectens subsidia literaria ad historiam legislationis, et jurisprudentiam Hungaricam* (2 vols., Buda, 1825). Of the numerous works of the younger Kovachich, the *Sylloge decretorum comitalium inclyti regni Hungariae* (2 vols., Pesth, 1818) was also received.

Other acquisitions included several law books which are closely related to the dramatic events in the critical period of legal development in Hungary in the seventeenth century. A contemporarily printed trial record, translated into English by Philip Ayres, was acquired for the famous trial of that time which resulted in the execution of Ferenc Nádasdy, Péter Zrinyi (Zrinski), and Franjo Krsto Frankopan (Frangepan). (Described in the *Quarterly Journal of Current Acquisitions*, August 1954, p. 233–34). The title reads: *The Hungarian Rebellion; or an Historical Relation of the Late Wicked Practices of*

*the Three Counts, Nadasdi, Serini, and Frangepani; Tending to Subvert the Government of His Present Imperial Majesty in Hungary, and Introduce the Mahumetan. With Their Arraignment, Condemnation, and Manner of Being Executed for the Same* (London, 1672). Feeling against the trials and executions on foreign (Austrian) soil with foreign judges was so great that the Vienna Court felt impelled to publish an English-language report.

The suppression of this conspiracy was followed by political and religious oppression, with "Bloody Assizes," so that the legal government was superseded (patent of March 3, 1673) by the appointment of the Grand-Master of the Teutonic Order as Governor-General of Hungary. These illegal measures of the Vienna Court resulted in another revolt, led by Imre Thököly. For a time it was fairly successful, and as a consequence Leopold I felt compelled to convoke the Diet in Sopron in 1681, after an interregnum of 19 years. The Library has acquired a contemporary volume, apparently published in Sopron in 1681, which contains the text of the articles enacted by this Diet and other related documents, as follows: *Acta comitialia Hungarica Soproniensia anni M. D. C. LXXI* (n. p., n. d.), containing petitions of the estates, particularly those of the Protestant estates, to the Palatine and to Leopold I himself with their answers; *Articuli dominorum praelatorum, baronum, magnatum, et nobilium, coeterorumque statuum et ordinum Regni Hungariae, & c. in generali eorum conventu, anno M. DC. LXXI. Sopronii celebrato, conclusi, & ab ipsa Sacra Caesarea Majestate ratificati & confirmati* (n. p., n. d.), containing the articles enacted by the Diet and given royal assent as well as a list of the members of the upper and lower chamber present at this diet; and *Gravamina Evangelicorum anno Domini M D CLXXX in gen-*



*erali regni diaeta Soproniensi Sacrae Caesarea Regiaeque Majestati humillime exhiberi decreta quidem, verum ob certas rationes postmodum compendiata* (n. p., n. d.), consisting of a long memorandum by the Protestant Estates opposing the articles concerning religion enacted by the Diet.

#### THE NETHERLANDS

A rare volume added to the collections of sixteenth-century legal literature is *Den spiegel van sassen van allen keyserlijken rechten* (Anwerpen, Willem Vorsterman, ca. 1504). It has an ambiguous and misleading title. The reference in the title to *Sachsenspiegel*, the famous German medieval legal code, suggests that it is a Dutch translation of the Code, and several scholars have described the book as such a translation. The *Sachsenspiegel* is the oldest and by far the most important among the German "law-books" (*Rechtsbücher*) of the Middle Ages. These works were private compilations of customary law, which never obtained the formal authority of an enacted statute. Nevertheless, many of them acquired in practice the authority of a source of law.

The *Sachsenspiegel* was compiled by Eike von Repgow (1188–1233), presumably between 1221 and 1224. It consists of two parts: *Lehnrecht*, dealing with the specific field of feudal law, and *Landrecht*, containing the main features of civil and criminal law as well as of the law of procedure. In the middle of the fourteenth century a crown judge in Saxony, Johann von Buch, wrote a commentary, a "Glosse," on the *Landrecht* in the nature of a concordance of principles of the German and the Roman law as reflected in the *Sachsenspiegel*.

Some scholars, like Otto Stobbe (*Geschichte der Deutschen Rechtsquellen*, vol. I, Leipzig, 1860, p. 293–99) and G. Kisch (*Sachsenspiegel and Bible*, Notre Dame,

1941, p. 6–7) accept, on the basis of a remark made by Repgow himself, that the original version of the compilation was in Latin and that it was later translated by Repgow into Low German. Other scholars, such as Ernst Spangenberg (*Beyträge zu den teutschen Rechten des Mittelalters*, Halle, 1822, p. 19–22), insist that the original was written in Low German, contending that the remark made by Repgow does not refer to the compilation itself but to the translation and integration in the work of some source recorded in Latin, like *Capitularia regum Francorum*, *Privilegia Saxonum* . . .

In a short time the *Sachsenspiegel* achieved high esteem in North, South, and West Germany and even in other countries. It became the model and basic source of other compilations, as for instance the *Schwabenspiegel*, the *Deutschenspiegel*, and the *Meissener Rechtsbuch*, and was translated into Latin, Polish, and other languages. In some parts of Germany the practical influence of this work lasted even until the enactment of the new Civil Code, which went into force in 1900.

The high reputation enjoyed by the acquired book in its time is evidenced by the fact that it went through nine editions from 1504 to 1539. The acquired volume is of the first edition. It is in the nature of a compilation or a treatise which combined into book form material derived from the text of the feudal law (*Lehnrecht*) of the *Sachsenspiegel* and from the "Glosse" by Johann Buch, as well as Roman, canon, Mosaic, and Dutch law. The author remained unknown and the manuscript was never located. The author, according to the preface, wished to present "imperial" law as enforced in the Netherlands. He claims to have consulted the enactments of Charlemagne, Justinian, and Constantine. While the German editions and manuscripts of the *Sachsenspiegel* were



extensively studied, its adoption in the Netherlands and its treatment in Dutch still await scholarly discussion. Besides its value as an important research source, the acquired copy is a good specimen of early printing in the Netherlands. It is embellished by four fine woodcuts. (*See illustrations.*)

#### POLAND

The primary sources of statutory material, *Dziennik ustaw* (Journal of Laws) and *Monitor Polski* (Official Gazette), continued to be received. The profound changes in the political regime in Poland found expression also in the current legislation. Thus the Law of November 13, 1956, concerning public security, abolished the Committee for Public Security; its functions, which were transferred to the Minister of the Interior, were seriously circumscribed. On September 11 control of the prisons was given to the Minister of Justice, thus reverting to the prewar pattern.

In the field of national economy and economic administration the change in the regime has been marked by a number of laws and statutes. The Law of September 10, 1956, repealed earlier legislation concerning labor discipline which had introduced a system of penalties for absenteeism from work. The Law of November 15, 1956, abolished the central Planning Board and reorganized economic management on the highest level. Later, the Law on Workers' Councils of November 19, 1956, provided for the participation of elected representatives of the factory crew in the management of government enterprises. The Law of September 11, 1956, concerning Chambers of Craftsmanship and the Union of Chambers of Craftsmanship [*Dz. U. No. 41/1956, Law No. 190*] re-established to a greater extent the self-government of craftsmanship in the sector of private enterprise.

In the field of culture and education the Law of September 10, 1956, amending the statute concerning higher education and the status of scientific workers, re-established administrative autonomy in universities, academies, and other institutions of higher learning. The Statute of March 23, 1956, on compulsory school education superseded earlier legislation on the subject. The Statute of April 27, 1956, on the status of teachers superseded all previous legislation in this matter enacted before and after 1945. The Law of November 19, 1956, on the amendment to the Law of the Bar restored to the bar to some extent the self-government of which it had been deprived by the 1950 law.

In the field of legislative activity an important development must be specially noted. Owing to the changes in the Polish regime, the drafts of civil and criminal codes and those of civil and criminal procedure prepared by the Ministry of Justice were found inadequate and codification work was resumed anew. However, no new drafts have as yet been issued.

Publication of legal bibliography has long been far more active in Poland than in most European countries. In keeping with that tradition is the recently received issue of an annotated bibliography of Polish civil law: *Bibliografia prawa cywilnego, literatura-orzecznictwo, 1945-1954* (1956). The 3,489 entries for this recent 10-year period cover not only books but also articles in periodicals and selected individual court decisions.

Of the same general interest are also scholarly papers on various legal topics by a number of authors, which were presented at the session of young students of law at the university in Poznań. Edited by Prof. Marian Zimmermann, they were issued under the title *Sesja naukowa młodych pracowników nauki-Wydziału Prawa UAM* (1956) as no. 1 of the *Zeszyty naukowe*

*Uniwersytetu Adama Mickiewicza w Poznaniu* series.

Two volumes in the series entitled *Ustawodawstwo gospodarcze* (Economic Legislation), which is issued under the general editorship of Eugeniusz Jabłoński, were recently received. Vol. XVIII deals with regulations concerning bookkeeping in socialist economic units (1955) and vol. XIX with supply and utilization of electric power and construction of electric-power installations (1956).

In the field of labor law, a useful new research tool is a three-volume collection of laws, decisions, and instructions entitled *Prawo pracy; wybrane teksty, orzecznictwo i wyjaśnienia* (1956). Vols. 1 and 2 were edited by Janusz Dąbrowski and Józef Zieliński, and vol. 3 by Henryk Zarzecki and Józef Prokopczuk.

An extensive study of evidence in criminal procedure, *Zagadnienia dowodowe w procesie karnym*, by Marian Cieślak, a noted Polish scholar in the field, will be a useful tool for research in contemporary Polish criminal law. Only the first volume (1955) of this work has appeared.

Important contributions to the history of Polish law were formerly published in the series entitled *Czasopismo prawnohistoryczne*, published by the Division of History and Social Sciences of the Poznań Society of Friends of Learning (Poznańskie Towarzystwo Przyjaciół Nauk—Wydział Historii i Nauk Społecznych). When the Polish Academy of Sciences was established in 1953, according to the Soviet pattern, it took over the publication, beginning with vol. 5. Two issues of vol. 8 (1956) were received during the year. They contain a number of contributions to the history of Polish law and related legal systems, which were published under the general editorship of Michał Szczaniecki, Jan Wąsicki, and Juliusz Bardach. Henryk Grajewski's study, *Kara śmierci w prawie*

*polskim do połowy XIV wieku* (Death Penalty in Polish Law to the Middle of the XIV Century), is another contribution to the history of Polish law.

The Polish Constitution of 1791 had importance exceeding the limits of the country. In addition to solving domestic problems, it represents an early attempt to write into the law of the land the principles of natural law. The Library acquired in 1956 a German translation of the Constitution which was prepared and published simultaneously with the original Polish edition to explain it to contemporary Europe. It was published in Polish in Lwów in 1793. The translation into German was done by Samuel Bogumił Linde, eminent Polish scholar and linguist. Karol Estreicher assigns the original work to the pen of Franciszek Xawery Dmochowski (*Bibliografia Polska*, vol. XV, Kraków, 1897, p. 254), but Linde, the translator, states in his autobiography that he received the manuscript of the Polish original not only from Dmochowski but also from Hugo Kołłątaj and Ignacy and Stanisław Potocki. All of them had participated in the drafting of the Constitution of 1791.

#### RUMANIA\*

Rumanian law items acquired during the past year far exceeded in both number and importance those acquired in any other year following World War II. Many of them were hard-to-get publications of the Communist regime which came to power in Rumania in 1945.

**Statutory Law.** The *Buletinul oficial*, the official gazette of the Rumanian People's Republic, has not been received since December 1951, and great gaps occur in the collections of the secondary official source of recent legislation issued by the

\*Unless otherwise stated, all publications mentioned in this section were issued in Bucharest.

Ministry of Justice under the title *Colectie de legi*. Because of the incompleteness of those two official sources, the acquisition of a number of up-to-date codes and compilations of legislation in special branches of law have greatly enhanced the facilities for research in current Rumanian law.

In the important field of civil procedure, two editions of the *Codul de procedură civilă* (1954 and 1956) give the full text of the incomplete codification of 1948 (published first in the *Monitorul oficial* of that year) as thereafter amended. Most of these amendments were enacted to provide new procedures for implementation of the Soviet substantive law in force after 1947.

The *Codul penal* (1955) filled great gaps in the collections of criminal statutes enforced by the satellite government of Rumania. Officially promulgated in 1948, this latest edition of the *Codul penal* contains a comprehensive compendium of criminal legislation through May 20, 1955, with helpful footnote references.

Unfortunately the Law Library has been unable to obtain copies of any recent editions of the Civil Code, the Commercial Code, or the Code of Criminal Procedure. It is known that all codes have undergone extensive amendment since 1947, in order to effectuate Communist policies. The newly acquired copy of the *Codul familiei* (1954) discloses that legislation governing family rights and obligations has replaced a number of provisions on domestic relations formerly found only in the Civil Code.

Recent acquisitions also include a number of statutory compilations devoted to special subjects, most of which concern economic and financial innovations within the Soviet pattern. Compensating partially for the lack of official publications of general law in Communist Rumania, such compilations set forth not only the statutes on the particular subject but also the im-

plementary orders and directives of the central party forums, executive agencies, and *ad hoc* committees. As an outstanding example, an official compilation, *Legislația gospodurilor agricole colective și a întovărășirilor agricole* (1956), issued by the Ministry of Justice, contains laws and regulations, together with party and government resolutions, affecting the entire present structure of collective farms and agricultural associations.

A privately published compilation edited by Dr. Emanoil Vaiteanu bears the title *Codul redresării economice și al stabilizării monetare* (1947). Directed toward economic reconstruction and monetary stabilization during the postwar period to December 1947, this code contains laws and executive orders relating to agriculture, banking, monetary reform, commerce and industry, and pensions and taxation.

Economic planning is officially publicized serially by *Căluza economică și financiară* (4 vols., 1948-49). Designed to serve as an economic and financial guide, this publication contains laws and executive regulations governing subject matter classified under such headings as economics, public finance, money and credit, public welfare, rent, prices, salaries, and tariffs.

Provisions of the Rumanian tax law are set forth in *Legea impozitului pe veniturile populației*, published by the Ministry of Finance (1950). In addition to the text of legislation and ministerial resolutions and directives, the publication includes various tables of tax rates that reflect the privileges and exemptions with which collective property is greatly favored in comparison with private holdings.

Among the prewar material recently received there are two codes: *Codul de procedură civilă adnotat* (1914), by Em. Dan, is the second edition of his annotated Code of Civil Procedure, first published in 1910. This work has a remarkable breadth of



coverage, includes excerpts from parliamentary debates, legal writings, and court decisions, and has excellent indexes. *Codul maritim și fluvial* (1934), edited by C. C. Tonegaru, A. Theodoru, and C. Ioanițiu, is a code for the merchant marine (seagoing and river vessels). It contains all laws, regulations, and conventions in force concerning the merchant marine and the navy and it also gives court decisions. It is a useful guide for research.

**Court Decisions.** The most significant improvement in Rumanian holdings during the past year occurred in the collection of Rumanian court reports, especially reports of the Supreme Court, known as *Inalta Curte de Casație și Justiție* in the prewar period, and *Tribunalul Suprem* in the postwar period. Of greatest value are the decisions of Communist tribunals, since juridical interpretation of the Soviet legislative and administrative precepts is essential to a complete understanding of the Soviet legal system now operative in Rumania.

The Library acquired four of five volumes of the first published set of court reports of the Communist Supreme Court: under the title *Culegere de decizii ale plenului și colegiilor tribunalului suprem al R. P. R.*, two volumes covering the period August 1, 1952, through December 31, 1954, were published in 1955, and three for the year 1955 appeared in 1956. Prior to the publication of this set of reports, selected annotated decisions of the Communist Supreme Court appeared in *Justiția nouă*, a Rumanian law review. The new set of reports contains not only the decisions rendered in individual cases by Divisions of the Court (except the Military Division, no decision of which is included) but also the resolutions by the Plenary Session of all justices.

The collection of decisions of the prewar Rumanian Supreme Court, the *Inalta*

*Curte de Casație și Justiție*, was improved by acquisition of 28 volumes of the official set published under the supervision of the Chief Justice of that court. These reports comprise decisions rendered from 1914 to 1943, which were printed from 1925 to 1947. Although publication of Supreme Court decisions began in 1862, they are represented in the Law Library only by the newly acquired volumes. The title of the publication varied: prior to 1881 it was *Buletinul decisiunilor Curtii de Casatiune si Justitie*; after 1881 the name of the court was dropped from the title, which thereafter read *Buletinul deciziunilor pronunțate*, but the name of the court appeared at the head of the title.

Further improvement of the collections was realized in *Jurisprudența română*, a privately published set of selected cases digested or in full and accompanied by discussion of relevant problems. Beginning in 1911 under the editorship of Judge G. T. Ionescu, the publication ran fortnightly to 1939. The recent acquisition of nine volumes increased the Law Library holdings to near completion, with only the years 1916-19 lacking.

Decisions of the intermediate appellate courts of Rumania, which in certain instances exercised final jurisdiction, were reported in *Buletinul Curților de Apel*, initially edited by Judge G. T. Ionescu and published twice a month from 1924 to 1939. All the volumes for that period are now in the collection through the latest accession of nine volumes for 1933-39. The date of the publication's discontinuance has not been ascertained.

An entire set, minus two volumes, of *Pandectele române, repertoriu lunar de jurisprudență, doctrină și legislațiune* (1922-47), has been received. Each volume, composed of four parts, provides a useful source of judicial precedents in Rumanian courts at all levels, and also in-



cludes legislative materials. Part I contains excerpts from decisions of the Supreme Court; Part II, excerpts from decisions of the courts of appeal, the lower courts, and courts of special jurisdiction such as the courts martial, admiralty courts, etc.; Part III, digest reports of important decisions of all Rumanian and some foreign courts (mainly French and Italian); Part IV reports current legislation, the principal laws being printed *in toto* or in excerpts. Court decisions are well annotated.

The Library also acquired 10 volumes of *Pandectele săptămânale* (Weekly Pandects) for the period 1936-45. This publication is a weekly legal periodical founded by C. Hamangiu, which was published between 1925 and 1945 and carried annotated decisions of the Rumanian courts, law articles, book reviews, and information regarding the legal profession, the courts, and the bar.

*Treatises.* The receipt of treatises on law enacted by the Communists has been scanty, probably because few have been published. One noteworthy acquisition is the booklet entitled *Procuratura R. P. R. Organ de apărare a legalității populare* (1956), wherein are described the compound functions of the important office of Government Attorney under the Communist regime. Two other works in the postwar period preceded the fundamental changes introduced by the Communists, but are nevertheless useful in a determination of present-day law in Rumania. *Principiile dreptului civil român*, by Ioan Rosetti-Bălănescu, Ovid Sachelarie, and Nic. G. Nedelcu (2d ed., 1947) attempts to encompass in 800 pages many basic principles of Rumanian civil law. *Divorțul* (1947), by Constantin Vicol, one of a series of monographs on legal topics, treats the subject of divorce for the benefit of both lawyers and laymen, and contains forms for each of the various grounds for

divorce existing before the liberalization of the present Family Code enacted by the Communists.

*Dreptul comercial român* (1946), by I. L. Georgescu, is a two-volume textbook on commercial law. The first volume deals with general information, sources, commercial acts and the individual merchant; the second discusses business organizations. This postwar treatise was designed primarily for the lawyer and the law student in an economic and legal system which favored the development of commercial law. Under the Communist regime, the work has mainly historical value.

Among the older items received is *Elemente de procesura civilă*, by Dimitrie Tacu (Iasii, 1866), one of the first treatises on civil procedure, based on the Code of Civil Procedure of 1865. The author succeeded in presenting a comprehensive and well-documented analysis of Rumanian and related foreign legal institutions.

*Other Periodicals.* First published in 1934, the *Revista de drept comercial* is an outstanding collection of articles and cases on commercial law (including foreign cases). It covers a wide range of subjects, including admiralty, bankruptcy, copyright, patents, trade marks, corporate taxation, and economics. Annual volumes averaging 700 pages each, covering a 13-year span to 1946, were added to the collections last year.

Finally, the Library acquired 18 volumes of the legal periodical *Dreptul: legislațiune-doctrină-jurisprudență-economică politică* (The Law: Legislation, Doctrine, Jurisprudence, Economics), covering the period 1884-1931. The oldest periodical of Rumanian law, *Dreptul* was first published in December 1871. It was issued twice a week until the First World War and once a week thereafter. Each issue had a lead editorial touching upon the legal profession, the bar, or the courts, or

a review of a new law or a new law book, or an article on proposed legislation. Its contents consisted principally of published excerpts from selected decisions of the Supreme Court, the courts of appeals, and the lower courts. From time to time decisions of courts of foreign countries were also included, selected mainly from those rendered in France, Belgium, and Italy. *Dreptul* ceased publication some time during World War II. After the Communist regime was installed, a publication under a similar title, *Drept* (Law), was issued in 1947 by the Institute for Soviet-Rumanian Studies of the Rumanian People's Republic Academy. It is now a quarterly publication, reproducing exclusively translations of Soviet legal writers, speeches of top Soviet rulers, and reports made before the Congresses of the Soviet Communist Party. *Drept* is being currently received by the Law Library, as is *Justitia nouă*, another law review, mentioned above, which serves as a main source of timely legal information from Rumania.

#### THE SOVIET UNION

**Statutes.** While *Vedomosti*, containing laws passed by the Supreme Soviet and edicts of its Presidium, continues to be received regularly, the resolutions of the Council of Ministers remain scattered through *Izvestiia*, *Pravda*, and other sources. No publications for this type of important Soviet statutes have been printed periodically since 1949, when *Sobranie postanovlenii* was discontinued.

A welcome novelty added during the year was a systematically arranged cumulative compilation of the statutes of some of the Soviet republics (states). Such compilations were acquired for the Uzbek SSR, Turkmen SSR, and Kirghiz SSR: *Sbornik zakonov Uzbekskoi SSR i ukazov Prezidiuma Verkhovnogo Soveta Uzbekskoi SSR za 1938-1955 gg.* (1956); *Sbornik deistvuiushchego zakonodatel'stva Turk-*

*menskoi SSR, na 1 maia 1954* (Ashkhabad, 1955); and *Sobranie zakonov Kirgizskoi SSR, ukazov Presidiuma Verkhovnogo Soveta i postanovlenii Pravitel'stva Kirgizskoi SSR*, of which only the second volume, covering 1950-54 and printed in 1956, was received.

**Periodicals.** Encouraging progress was made in the acquisition of Soviet legal periodicals. For a period of years the Law Library received only one of the two current ones—*Sovetskoe gosudarstvo i pravo* (Soviet Law and State). No issues of the other, *Sotsialisticheskaia zakonnost'* (Socialist Legality) were received from the middle of 1942 until 1956, when a few numbers were acquired. Since January 1957 it has arrived regularly.

**Constitutional Law.** In this field, a collection containing the text of the federal (USSR) constitution and those of all the constituent republics of the Soviet Union is worth mentioning, *Konstitutsiia (osnovnoi zakon) SSSR, Konstitutsii (osnovnye zakony) soiuznykh sovetskikh sotsialisticheskikh respublik* (1956). The RSFSR constitution, with those of all autonomous republics included in the RSFSR, are contained in another acquisition, *Konstitutsiia (osnovnoi zakon) RSFSR, Konstitutsii (osnovnye zakony) avtonomnykh sovetskikh sotsialisticheskikh respublik vkhodiashchikh v RSFSR* (1955).

Also received were separate pamphlets containing the following constitutions: USSR, two editions of 1956; RSFSR, 1955; the Georgian SSR, 1956; and the Adzhar Autonomous Republic, 1955.

**Codes.** The codes of the Soviet republics were received with the text brought up to the date indicated: RSFSR, Code of Criminal Procedure as of February 1, 1956; Code of Civil Procedure as of January 1, 1956; and Code of Domestic Relations as of April 1, 1956. The following recent codes of the Uzbek SSR are available:

Criminal Code as of November 1, 1954; Code of Civil Procedure as of January 1, 1954; and Code of Domestic Relations as of September 1, 1955.

*General.* Among books on Soviet law of a general character is a new enlarged edition in two volumes of a legal dictionary, *Iuridicheskii slovar'* (2d ed., 1956). The first edition appeared in 1953. Terms used in Russian and general legal history are explained in detail, but explanations of some current terms are palpably absent, e.g., the jurisdiction of the Ministry of the Interior and the camps of corrective labor. The collections were enriched by a book on the general theory of state and law, *Teoriia gosudarstva i prava* (1955), published by the Institute of Law of the USSR Academy of Sciences and compiled by M. P. Kareva, G. I. Fed'kin, and others. Several monographs on general problems of legal theory were noteworthy acquisitions. N. G. Aleksandrov produced a work on legality and legal relations in Soviet society, *Zakonnost' i pravootnosheniia v sovetskom obshchestve* (1955). Socialist legality as a protection of the rights of citizens of the USSR is discussed in V. P. Rad'kov's *Sotsialisticheskaia zakonnost' na strazhe prav grazhdan SSSR* (1956). The principle of proletarian internationalism in Soviet law is dealt with in S. L. Ronin's *Printsip proletarskogo internatsionalizma v sovetskom sotsialisticheskom prave* (1956). The rules of Soviet socialist law and their application are expounded in Iu. G. Tkachenko, *Normy sovetskogo sotsialisticheskogo prava i ikh primeneniie* (1955). Administrative and legal problems in strengthening the discipline of government officials provide the subject of TS. A. Iampol'skaia and E. V. Shorina's *Administrativno-pravovye voprosy ukrepleniia gosudarstvennoi distsipliny* (1955).

*Criminal Law.* Only two general works on criminal law were received. IA. M.

Brainin's *Sovetskoe ugolovnoe pravo (obshchaia chast')*, vol. I (1955), is a textbook for law schools on the general part of criminal law, based upon lectures delivered at Kiev University. This book does not cover all the topics pertaining to the general part of criminal law, however. Another general work, *Sbornik zadach po sovetskomu ugolovnomu pravu*, issued by the Criminal Law Department of Leningrad University in 1956, is a collection of hypothetical and actual cases for the training of students of law, compiled by M. D. Shargorodskii and others. Of the other books on criminal law, each is a monograph concerned with a particular topic, but some are topics of a more general nature. M. B. Shteingardt's booklet, *Institut analogii v sovetskom ugolovnom prave* (Leningrad, 1955), deals with the application of Soviet criminal statutes by analogy to an act which does not exactly fit the statutory definition of a particular offense but merely resembles the nature of the defined offense. The use of analogy in Soviet criminal law has long been condemned by non-Soviet writers and has recently even suffered objection from some Soviet jurists. *Obstoiatel'stva, iskluchaiushchie ugolovnuu otvetstvennost'* (Leningrad, 1956), by I. I. Slutskii, deals with circumstances which exclude criminal responsibility. *Stadii soversheniia prestupleniia po sovetskomu ugolovnomu pravu* (1955), by N. D. Durmanov, discusses the stages of the commission of a crime as distinguished under Soviet criminal law. An exposition of special categories of crimes, such as crimes against human life, health, liberty, and dignity, is in a work by Sh. S. Rashkovskaia entitled *Prestupleniia protiv zhizni, zdorov'ia svobody i dostoinstva lichnosti* (1956).

The responsibility for the distribution of products of poor quality, insufficiently finished or substandard, is treated by B. S. Utevskaia in *Ugolovnaia otvetstvennost' za*



*vypusk nedobrokachestvennoi, nekomplektnoi i nestandardnoi produktsii* (1955); bad management and dissipation of assets by T. L. Sergeeva in *Sovetskoe ugodnoe pravo v bor'be s beskhoziaistvennost'iu i rastochitel'stvom* (1955); and abuse of power by A. B. Sakharov in *Otvetstvennost' dolzhnostnye zloupotrebleniia* (1956). Finally, N. S. Leikina's *Otvetstvennost' za prestupleniia protiv sovetskoi torgovli (voprosy kvalifikatsii)* (1956) deals specifically with the complex provisions protecting the governmental monopoly of domestic commerce.

**Criminal Procedure.** Two books of comprehensive character advance an understanding of current criminal procedure. Two volumes of trials in Soviet criminal courts, *Sudebnoe razbiratel'stvo v sovetskom ugodnom protsesse*, were prepared by I. D. Perlov for the Institute of Legal Sciences. Volume 1 deals with pre-trial proceedings (*Podgotovitel'naia chast' sudebnogo razbiratel'stva*, 1956), whereas volume 2 concerns the taking of evidence during the trial (*Sudebnoe sledstvie*, 1955). The second comprehensive work, *Voprosy teorii sovetskogo ugodnogo protsessa* (1956), by N. N. Polianskii, explains the theory of Soviet criminal procedure. A number of monographs cover a variety of subjects. Three are discourses upon crime detection and expert opinions in criminal trials: P. I. Tarasov-Rodionov's *Predvaritel'noe sledstvie* (1955), a revision of a student's manual; B. I. Shevchenko's *Rukovodstvo k prakticheskim zaniatiiam po kriminalisticheskoi tekhnike* (1955); and A. I. Vinberg's *Kriminalisticheskaiia ekspertiza* (1956). Other monographs by subject include the following: jurisdiction in criminal cases, L. N. Gusev's *Podsudnost' ugodovnykh del* (1955); testimony of the defendant as a means of defense, I. A. O. Motovilovker's *Pokazaniia i ob'iasneniia obviniaemogo kak sredstvo*

*zashchity v sovetskom ugodnom protsesse* (1956); preparation and taking of evidence at the trial, based on the decisions of the USSR Supreme Court, N. M. Gorevati's *Podgotovka i provedenie sudebnogo sledstvia (na materialakh sudebnoi praktiki Verkhovnogo Suda SSSR)* (1955); and the duties and rights of witnesses under Soviet criminal law, M. I. Bazhanov's *Svideteli, ikh prava i obiazannosti po sovetskomu ugodno-protsessual'nomu zakonodatel'stvu* (1955). A treatise by E. M. Chekharin, *Osnovaniia i poriadok obzhalovaniia prigovora* (1955), is devoted to the important topic of appeals from trial court decisions in criminal cases.

Two new books on evidence contribute to an up-to-date understanding of Soviet justice for the accused in criminal proceedings: M. L. Shifman's *Osnovnye voprosy teorii sovetskogo dokazatel'stvennogo prava* (1956), and G. M. Min'kovskii's *Predely dokazyvaniia v sovetskom ugodnom protsesse* (1956). The first of these works includes important material on the rules of criminal evidence as part of a general examination of the theory of evidence as applied by Soviet courts in adjudication of all types of litigation, civil as well as criminal. The second confines itself exclusively to evidence in criminal law.

**Government Attorneys.** In addition to their duties of criminal prosecution, lawyers for the state have broad powers in other activities of law enforcement in the Soviet Union. Development of these powers is readily discerned in a compilation of laws, decrees, and documents issued under the title *Sovetskaia prokuraturav vazhneishikh dokumentakh* (1956). This highly significant work by V. G. Lebedinskii and D. I. Orlov is an enlarged edition of a similar compilation published in 1947.

**Courts.** The establishment and development of Soviet courts in the early years of the Soviet regime in Central Asia furnishes



the subject matter of two monographs: Kh. S. Sulaimanova's *Sozdanie i razvitie sovetskogo suda v Turkestanskoi ASSR, 1917-1924 gg.* (1954) and M. S. Sapargaliev's *Ocherk po istorii sovetskogo suda v Kazakhstane 1918-1920 gg.* (1955).

**Government Arbitration.** The majority of disputes between Soviet government trading agencies are outside the jurisdiction of the courts and are settled in a special procedure having the misleading name "governmental arbitration." Government officials called arbitrators are not selected by the parties but are permanently appointed by the government for settling such disputes. The arbitrator-in-chief is attached to the Council of People's Commissars. A collection of instructive directives of this arbitrator was issued in three volumes, entitled *Sbornik instruktiivnykh ukazanii gosudarstvennogo arbitrazha pri Sovete Ministrov SSSR*, nos. 1-3 (1955-56). No. 1 contains directives as in force on January 1, 1955; no. 2, directives issued from January 1 to May 1, 1955; and no. 3 supersedes both and brings the material up to October 1, 1955. The Library received only nos. 1 and 3. A monograph on cases concerning government commercial organizations decided by this procedure in court V. M. Shneide-man's *Arbitrazhnye i sudebnye dela trgovykh organizatsii* (1956), was also received.

**Civil Law.** Civil law is treated in four general works. Two are textbooks, one in Russian issued by the Extension Law Institute and edited by V. A. Riasentsev, entitled *Sovetskoe grazhdanskoe pravo* (1955); and another in German, V. A. Tarchow's *Vorlesungen über das sowjetische Zivilrecht* (1955). Although the latter was printed as a translation from Russian, the Russian original is not identified. Another comprehensive book is a collection of cases, actual and hypothetical, for

use in training the students of the law school of Moscow University, *Sbornik zadach po sovetskomu grazhdanskomu pravu* (1955). There is also a symposium of contributions to various problems of civil law and civil procedure, *Voprosy sovetskogo grazhdanskogo prava i protsessy* (1955), which was published as the third volume of the *Uchenye zapiski* series of the Sverdlovsk Law Institute.

Among monographic works, one by a scholar of long standing discusses the role of civil law in the activities of governmental quasi-corporations operating on a commercial basis: I. B. Novitskii's *Rol' sovetskogo grazhdanskogo prava v osushchestvlenii khozrascheta i rezhima ekonomii* (1955).

Property law in general is discussed in IU. K. Tolstoi's *Soderzhanie i grazhdansko-pravovaia zashchita prava sobstvennosti v SSSR* (1955). Socialist and government property are treated in A. N. Arzamastsev's *Okhrana sotsialisticheskoi sobstvennosti po sovetskomu grazhdanskomu pravu* (1956); and the rights of a government industrial unit in particular are discussed in V. A. Dozortsev's *Prava gosudarstvennogo promyshlennogo predpriiatiia na zakreplennoe za nim imushchestvo* (1955). Government ownership of forests is discussed by G. N. Polianskaia in *Okhrana prava gosudarstvennoi sobstvennosti na lesa* (1956). Guilt in Soviet civil law in general is analyzed in G. K. Matveev's *Vina v sovetskom grazhdanskom prave* (Kiev, 1955).

The English classics on the principles of the law of contracts by Sir John Salmond and James Williams appeared in a Russian translation as *Osnovy dogovornogo prava* (1955), the work of S. A. Andrianov and V. V. Zaitseva.

**Land Tenure.** A new edition of a comprehensive university text on the law governing collective farms was received: N. D.

Kazantsev's edition of *Kolkhoznoe pravo* (1955). A recognized author on the law of collective farms, G. A. Aksenonok, discusses the right of such farms to a socialist tenure of land in *Pravo sotsialisticheskogo zemlepol'zovaniia kolkhozov* (1955). Other agricultural publications include a survey of legislation on collective animal breeding, P. P. Piatnitskii's *Zakonodatel'stvo o razvitii obshchestvennogo zhivotnovodstva v kolkhozakh* (1955); a compilation by the same author of legal opinions on questions about the law on collective farms, *Sbornik konsul'tatsii po voprosam kolkhoznogo prava v voprosakh i otvetakh* (1955). The recent law on responsibility for pasturing by trespassing is discussed in I. A. Koetkina's *Otvetstvennost' pastukhov i vladel'tsev skota za potravu i povrezhdeniia posevov i nasazhdenii* (1956). A popular survey of legislation relating to the rights and duties of members of collective farms, *Zakonodatel'stvo o pravakh i obiazannostiakh kolkhoznikov* (1956), by F. I. Kurilov and V. B. Losev, was also received.

Landlord and tenant are discussed in general in *Osnovnye voprosy sovetskogo zhilishchnogo zakonodatel'stva* (1956), by A. M. Petrov and I. U. M. Glazman, and in M. I. Baru's *Zhilishchnye prava grazhdan v SSSR* (1956). Trials of cases involving tenancy are dealt with in V. M. Ostroukhova's *Rassmotrenie grazhdanskikh zhilishchnykh del v sude* (1955).

Legal problems of Soviet domestic commerce (in Stalin's words, "commerce without capitalists, big or small") are discussed in *Pravovoe regulirovanie tovarooborota mezhdru gorodom i derevnei* (1956), by I. B. Novitskii, K. A. Grabe, and B. A. Liskovets; by M. S. Dvinov and others in *Osnovnye pravovye voprosy deiatel'nosti gosudarstvennykh torgovykh organizatsii* (1955); and by V. A. IAzev in *Dogovor postavki v sisteme sovetskoi torgovli*

(1956). The law of railway shipping is the subject of both V. N. Izvolenskii's *Pravovye voprosy zheleznodorozhnykh perevozok* (1955) and M. K. Aleksandrov-Dol'nik's *Spory, vytekaiushchie iz pravootnoshenii storon v zheleznodorozhnykh gruzovykh operatsiiakh* (1955).

**Maritime Law.** Maritime law and the law of interior waterways are dealt with in several new acquisitions. D. F. Ramzaitsev's *Morskoi arbitrazh v Sovetskom Soiuze* (1956) confines itself to maritime arbitration. A commentary on conventions resulting from the International Conference on Safety of Life at Sea of 1948 is found in V. F. Medvedev's *Preduprezhdenie stolknovenii sudov v more* (1955). Two monographs specialize on the safety of cargo; one on maritime trade, G. L. Shmigel'skii's *Sovetskoe morskoe pravo v bor'be za sokhrannost' gruzov* (1956), and the other on safety in shipping on the interior waterways, M. A. Allakhverdov's *Sovetskoe vnutrennevodnoe pravo v bor'be za sokhrannost' perevozymykh gruzov* (1956).

**International Law.** In the field of international law, two new studies are outstanding. A university text, *Mezhdunarodnoe pravo* (Kiev, 1955), by a hitherto unknown author, V. I. Lisovskii, is the first comprehensive treatise on international law since the publications edited by E. A. Korovin and S. B. Krylov. Another important study is *Voenna-morskoi mezhdunarodno-pravovoi spravochnik* (1956), edited by A. S. Bakhov in the form of a brief manual. It is a collection of discussions and excerpts from domestic laws and international treaties relating to maritime law in peace and war, with special emphasis on the rules relating to the navy.

**Labor Law.** During the past two years Soviet labor law has undergone a number of changes. Since they are recent, they are not necessarily reflected in the newly

acquired books. Only two books are general in nature. A comprehensive compilation not only of laws and decrees of the government but also of resolutions of the central labor union organizations appears in *Spravochnik profsoiuznogo rabotnika* (1956), a new edition of a reference book issued by the All-Union Central Council of Trade Unions. A broad discussion of the rights of employees in the form of questions and answers is found in N. G. Aleksandrov's *Trudovye prava rabochikh i sluzhashchikh v SSSR* (1956). Other works deal with more specific topics, such as employment, transfer, and discharge of employees in A. M. Kaftanovskaia and V. I. Nikitinskii's *Priem na rabotu, perevod i uvol'nenie rabochikh i sluzhashchikh* (1955); and labor legislation in the lumber industry in I. M. Elin and N. N. Skvortsov's *Spravochnik, po trudovomu zakonodatel'stvu v lesnoi promyshlennosti* (1955). The planned supplying of manpower to the national economy is discussed by E. I. Astrakhan, S. S. Karinskii, and A. I. Stavtseva in *Rol' sovetskogo trudovogo prava v planovom obespechenii narodnogo khoziaistva kadrami* (1955), and by V. S. Andreev and P. A. Gureev in *Organizovannyi nabor rabochikh v SSSR (pravovye voprosy)* (1956); subsidies for temporary disability by V. V. Karavaev in *Posobiia po vremennoi netrudosposobnosti* (5th rev. ed., 1956); labor record books by A. M. Kaftanovskaia and V. I. Nikitinskii in *Trudovye knizhki rabochikh i sluzhashchikh* (2d ed., 1956); Soviet labor law and productivity of labor by E. N. Korshunova in *Sovetskoe trudovoe pravo i voprosy proizvoditel'nosti truda* (1955); and labor disputes by A. E. Pasherstnik in *Rassmotrenie trudovykh sporov* (4th ed., 1956).

The recent Soviet law on pensions is discussed by G. K. Iniutin in *Chto daet trudiashchimsia novyi pensionnyi zakon* (1956)

and by N. A. Murav'eva in *Novyi zakon o pensiiakh* (1956).

*Miscellany.* The work of the standing committees of the local soviets is reported in I. V. Todorskii's *Postoiannye komissii mestnykh sovetov deputatov trudiashchikh* (1955). The legal regulation of the construction of buildings in machine tractor stations, Soviet farms, and collective farms is dealt with in M. I. Baryshev's *Pravovoe regulirovanie kapital'nogo stroitel'stva v MTS, sovkhozakh i kolkhozakh* (1956).

Laws and decrees relating to timber and lumber works are compiled in B. N. TSvetkov's *Pravovoe regulirovanie lesozagotovitel'nykh rabot i lesnykh pobochnykh pol'zovaniu v SSSR* (1956). Protection of children under Soviet family and civil law is discussed in G. M. Sverdlov's *Okhrana interesov detei v sovetskom semeinom i grazhdanskom prave* (1955). Laws and regulations relating to children are compiled in a manual for the director of a children's home, *V pomoshch' direktoru detskogo doma* (1955).

*Soviet Writings on the Laws of People's Democracies.* Collections of the most important legislation of the satellite countries continue to appear in Russian translations. Such a collection for Czechoslovakia is *Konstitutsiia i osnovnye zakonodatel'nye akty Chekhoslovatskoi Respubliki* (1955); and for Yugoslavia there is *Konstitutsiia i osnovnye zakonodatel'nye akty Federativnoi Narodnoi Respubliki Iugoslavii* (1955). The collection of Yugoslav legislation is the first that appeared after the settlement of differences between the Soviet and Yugoslav governments. Although issued in a form closely resembling the pattern of similar publications for other People's Democracies, it contains no lengthy introduction of the type regularly included in such publications (i. e., statements recounting the role of the Soviet Union in the



revolutionary transformation of the satellite countries and underlining the most important features of the regime).

In addition, treatises dealing with various aspects of satellite law, either concerning individual countries or covering certain fields of law for all countries of the People's Democracies, continued to be published. Two such studies were devoted to Poland. V. F. Kotok and A. G. Mozokhina's *Razvitie osnovnykh institutov gosudarstvennogo prava Pol'skoi Narodnoi Respubliki* (1955) covers Polish constitutional law, and V. A. Stanik's *Ugolovnoe pravo Pol'skoi Narodnoi Respubliki* (1955) Polish criminal law. A similar study for Czechoslovak criminal law, written by M. A. Gel'fer, is *Ugolovnoe pravo Chekhoslovatskoi Narodnoi Respubliki* (1955).

E. A. Pasherstnik, a Soviet jurist who has produced a number of studies on Soviet labor law, devoted one of them to the labor law of the People's Democracies. Entitled *Trudovoe pravo stran narodnoi demokratii* (1955), it covers the European satellites and Communist China and Korea. Finally, a volume that reviews the bourgeois state in the period of imperialism and violently attacks Western democracy, liberal economy and, in particular, the United States is G. Shakhnazarov's *Burzhuvaznoe gosudarstvo v epokhu imperializma* (1955).

#### SWEDEN <sup>10</sup>

Sweden was the last of the three Scandinavian kingdoms to adopt a modern codification of its ancient laws. The preparatory work for the new code was started in 1686 and was carried on by several special commissions for almost 50 years. The final draft was adopted by the Parliament in 1731 and 1734, and on January 23, 1736, it was ratified by King Frederik I. It was

published in the same year under the title *Sveriges Rikes lag*.

This code replaced the earlier provincial and municipal laws which had originated in the fourteenth and fifteenth centuries (see the *Annual Report of the Librarian of Congress*, 1935, p. 78-81) and is still the official general code in Sweden today, although most of the original provisions have been replaced by modern legislation. The principal authors of the code were Count Gustav Cronhjelm and Prof. Karl Lundius, who received assistance from other members of the commission and the legal profession in general. Suggestions and opinions were, for example, obtained from numerous judges and magistrates experienced in applying the provisions of the old law (the preparatory works were printed in 1841 as *Lag commissionens förslag*).

The code consists of nine parts, called *balk*. These deal with the following: marriage law, inheritance law, the law of land tenure, law of buildings, commercial law, law of crimes, punishments, execution of judgments, and court procedure. The original titles of these parts are still preserved, but reform legislation has replaced individual parts of the code. This was the case, for example, with the Marriage Law of 1920 and the new Judiciary Act of 1942.

The 1734 code, at the time of its enactment, was an excellent piece of legislation. Its provisions were examples of clear expression of legal language, much of which had been taken over from the ancient laws. It was a codification which combined the ancient Swedish law with later royal enactments, judicial practice, and Roman law.

The second edition of the code, published in 1746, it was recently acquired by the Library. Its title is *Sveriges Rikes lag, gillad och antagen på Riksdagen år 1734*. Two later editions of the code (1779 and 1780) were also received. These also con-

<sup>10</sup> Unless otherwise stated, publications mentioned in this section were issued in Stockholm.



tain the ancient rules for judges and an index, as well as royal ordinances effecting changes in the code.

The code of 1734 did not cover all fields of law. The so-called "economic and political regulations" were omitted. The most important among these—the constitutional provisions on elections, the duties and privileges of the King, and public administration—had formed an organic part (the *konungabalk*) of the earlier general codes, namely the *landslag* of 1442 of King Christoffer and the *stadslag*. In the course of the next centuries the *konungabalk* underwent many changes effected by special enactments, and by the seventeenth century had become known as the *regeringsform*. This basic constitutional act was supplemented by the *riksdagsordning*, a constitution for the parliament, laws concerning the organization and privileges of nobility and other classes of the population, and royal proclamations upon the King's ascent to the throne. A collection of such laws for the period after the enactment of the new *Sveriges Rikes lag* was recently received. It is the *Acta publica, hörande til Sveriges Rikes fundamental-lag* (1755), which contains the *regeringsform* of 1720, the Parliamentary Act of 1723, and related acts enacted through 1751. An alphabetical subject index, printed in 1756, is bound with the main work. Among recent acquisitions is also a treatise on the constitutional law of Sweden of the same period, *Swea Rikes styrelse efter grundlagarne* (1768).

An early general work on the form of government and its underlying philosophy, *En nyttigh bok, om konunga styrilse och höfdinga, fordom för någre hundrade år, af en förståndigh svensk man skrifvin, ock nu nyliga framkommen* (1634), has also been added to the collections. The author of this treatise was Johan Thomesson Bure (Johannes Bureus), a noted scholar whose

main contributions were in the field of linguistics. This work subsequently was reprinted in a 1650 edition of the ancient laws, *Sveriges Rikes gamle laghböcker*, and it was translated into Latin and published in 1669 together with the Latin translations of the ancient laws.

The enactment and publication of the 1734 code was followed by treatises explaining its contents. One of the earliest such works is a summary of the provisions of the *Sveriges Rikes lag* by Lars Nybohm Erichsson entitled *Trefall minnes hielp wid lagboken, til bruk och gagn, som anmärkningen til hwarje del wisar* (1745), the first volume of which was recently added to the collections. Another commentary, by H. Schoes, is mostly concerned with linguistic explanations and contains also a list of all Swedish Kings and a survey of their legislation: *Försök til någon tydning och utredning af the ämnen och ordasätt, hwilka Sveriges Rikes lag, af år 1734* (1766). A more learned and systematic treatise is the work of Anders C. Westdahl, a judge: *Uttydning öfwer Sveriges Rikes lag, eller kårt innehåll af kongl. förordningar, bref, resolutioner och kungörelser* (2 pts. in 1 vol., 1770–72). However, this commentary deals only with the first four parts of the code. Another such handbook is *Promptuarium juris & processus constans repertorio juridico & inventario legum det är lags och rättengangs hand-bok innehållande hela sweriges lag bok uti register* (1743), by Andreas Jacob Wilde.

The General Code of Sweden is now being published annually in a semiofficial edition by the publishing house of Norstedt & Söner. The latest edition, including all amendments to January 1, 1957, has been received. The ancient system of the code has been preserved. The only change in the division into parts (*balkar*) is the replacement of parts VI and VII on crimes

and punishments by the Criminal Code of 1864. The *bihang* (appendix) contains, in chronological order, statutes which have not been incorporated into the code. A chronological index of all statutes, printed or cited in the volume, and an alphabetical subject index facilitate the use of the book.

Among recent acquisitions also is a general handbook of Swedish law, *Nordstedts juridiska handbok* (5th ed., 1956). This is a systematic survey of the entire body of Swedish law in which the articles on individual subjects were written by top specialists in the respective fields. It was edited by Bengt Lassen.

### Far Eastern Countries

Although the amount of Far Eastern legal material acquired was smaller than during the previous year, neither the usefulness nor the currency of the collection has been impaired. Chinese and Japanese publications, which have always formed the nucleus of the Far Eastern legal collection, continue to account for the lion's share of the acquisitions. Official gazettes and collections of laws and decrees from such countries as Thailand, Indonesia, and Burma, or from places like Hong Kong, Macao, and the Ryukyu Islands, have continued to arrive, though somewhat irregularly. Some recent materials from North (Communist) Korea, Vietnam, and Cambodia were also received sporadically. Thus, the quality of the Far Eastern legal materials acquired remains at almost the same level as that of the previous year. Material in Western languages on the law of the countries of the Far East and material which was published outside of the respective countries will be discussed before the materials published in the countries to which they apply.

Among them is an annotated English translation (Leiden, 1956) of *T'ang-yin-pi-shih*, a classic on jurisprudence and

crime detection in ancient China, originally compiled by KUEI Wan-jung in 1211 A. D. during the Southern Sung Dynasty. It is a collection of 144 criminal and civil cases covering a period of 14 centuries (ca. 300 B. C. to ca. 1100 A. D.). The title of the work as it appeared in the romanized form, *T'ang-yin-pi-shih*, is literally translated as "Parallel Cases from under the Pear Tree." The allusion to the "pear tree" as a symbol of a just and benevolent official originated with reference to the Duke of Shao of the early Chou Dynasty (1122 B. C. to 255 B. C.), who in conformity with the ancient custom of holding court under a tree used to conduct his official affairs under the shadow of a pear tree. KUEI Wan-jung, in compiling these cases, had in mind forewarning judges against the miscarriage of justice, especially in doubtful cases. His guiding principle was that "if the guilt of an accused is not ascertained, the case should not be heard [should be dismissed]." It was all the more important that a judge should not commit any errors, because the concept prevailing was to assume *a priori* the guilt of every accused until proven innocent. The translator, Robert Hans van Gulik, has not only contributed a most readable English version of this Chinese classic, but has also, through his resourcefulness, included in the translated work a chapter on the life and time of the author as well as on court procedure in ancient China. Comprehensive references are also given to two other earlier compilations of judicial cases which formed the sources for *T'ang-yin-pi-shih*. They are the *I yü che*, composed in the tenth century by Ho Ning and his son, and the *Che yü kuei chien*, by CHENG K'ö, who flourished around 1130 A. D. The Library has in its collection an 1849 reprint of the Sung impression (1234 A. D.) of the *T'ang-yin-pi-shih*, in addition to more recent copies of lithographed reprints.

An article of timely interest, "The Discrepancy between Marriage Law and Mores in Japan," written by Prof. Toshio Fueto of Yamaguchi University, and edited by Prof. Max Rheinstein, appeared in the Spring 1956 issue of the *American Journal of Comparative Law*. The author points out that a serious social problem has resulted from the contrast between law and custom regarding marriage. Under the present Japanese Civil Code, marriage is a civil contract when the registration with the competent authority and the acceptance thereof are deemed valid, whereas for the majority of the Japanese the ancient formalities are still practiced. Consequently, although the parties to the marriage may have gone through the nuptial ceremony in the presence of witnesses as required by age-old custom, the marriage is null and void in the eyes of the law. The author has also prepared a brief bibliography of monographs and articles concerning the subject, with survey reports and a proposed reform of the marriage law. Also concerned with the topic of domestic relations is M. H. van der Valk's treatise, *Conservatism in Modern Chinese Family Law* (Leiden, 1956). The work is the first of its kind on the marriage law of the Chinese Communist regime, which was enacted in May 1950. It is an objective criticism of the present Communist marriage law in comparison with previous legislation on family law that had been enacted since China became a republic in 1910. A translation of the Communist Party's rulings and interpretations in the application of the marriage law (1950) is included.

A collection entitled *The Outstanding United States Civil Administration Legislation on the Ryukyu Islands (1945-56)*, in English, which was released in mimeographed form by the Office of the Deputy Governor of the Ryukyu Islands, is another

useful acquisition. The Library also has quite a complete collection in the Japanese language of the laws and ordinances enforced in the Ryukyu Islands.

Finally, in the area of bibliography, the Law Library has acquired *A Selected List of Books and Articles on Japan (in English, French and German)*, published in 1954 by the Harvard-Yenching Institute, Cambridge, Mass. The compilation is the joint work of Hugo Borton and associates. It is not a legal bibliography in the sense that it deals with legal materials exclusively, but it does provide a section on the laws, statutes, and treaties of Japan published in the three major Western languages. The Law Library has also received a preliminary draft of the *Union List of Japanese Law Books, Part I. Treatises*, compiled by a group of Japanese exchange professors and issued by the Harvard Law School Library in 1955.

On the Nationality Law of the Republic of Vietnam (promulgated Nov. 1955), Prof. HUNG Li-sheng has contributed a short article entitled "Lun Yueh Nam shou cheng kuo chih fa" to the January 1957 issue of the Chinese legal periodical *The Law Monthly*, published in Taiwan, to which the Law Library subscribes. The author comments specially on the amendment of Article 16 (Ordinance no. 52, 1956) of the law which prescribes retroactively that all persons born in Vietnam are nationals of the Republic. Prof. J. H. A. Logemann's *Het Staatsrecht van Indonesie* (Bandung, 1955), one of the few good textbooks on the constitutional law of Indonesia, is another worthwhile addition to the collection.

#### REPUBLIC OF CHINA <sup>11</sup>

Laws and decrees, as well as administrative rulings and decisions of the various

<sup>11</sup> All publications mentioned in this section were issued in Taiwan.



administrative tribunals, are reported in the *Tsung t'ung fu kung pao* (Official Gazette of the Office of the President) and the *Tai-wan sheng cheng fu kung pao* (Official Gazette of the Taiwan Provincial Government), both of which have been received regularly. Together with the *Lih fa yuan kung pao* (Official Gazette of the Legislative Yuan), they enable us to have access to the primary sources of information not only on the executive branch of both the central and local governments, but also concerning the legislature and the legislation adopted. Current legal periodicals acquired during the year are the *Fa lu p'ing lun*, the *Fa ling yueh k'an*, and the *Fa lu chih shih*. The *Fa lu p'ing lun* has been the best-known law review in China since its first publication in 1923 by the Ch'iao Yang Law School in Peiping. Although suspended after the Communists took over the government, it resumed publication in Taiwan in 1951. Bound volumes of the *Szu fa chuan k'an* (1951-54) and the *Chun fa chuan k'an* (1952-53) were sent to the Library as a gift from the Ministry of Justice of the Republic of China.

During the last few years the Ministry of Justice has been rather active in compiling and publishing current Chinese laws and statutes. One of its fine products is the *Chung hua min kuo su fa fa ling hui pien* (1956), in four bound volumes. The compilation is divided into these main sections: the Constitution and its related statutes; the statutes on the organization of the Central Government and kindred regulations; the Civil Code and related laws and regulations; the Criminal Code and related regulations; the laws and decrees concerning civil service, government auditing, the administration of justice, and other miscellaneous laws and decrees related thereto. This is the first comprehensive compilation of all the current laws and

decrees of the Republic of China for more than a decade, and it will prove to be a very useful manual for the legal profession. The Ministry of Justice also sponsors and publishes a series of legal treatises under the title *Szu fa t'sung shu*, in which 11 titles have so far been published. The *Jih pen su fa chi t'ao* (The Legal System of Japan) by SHIH Chi-ch'uan, an authority on the Chinese Law of Civil Procedure, presents a brief but significant report on his recent observation of Japanese civil procedure during the aftermath of World War II. He particularly stresses the current Japanese methods of training and appointing judges and procurators-general, as well as the growing trend in establishing a precedent for judicial independence. CH'EN P'u-sheng's *Hsing shih cheng chu fa yen chiu* (1956) is a precise presentation of the rules of evidence in the Chinese Law of Criminal Procedure. The author, who is Justice of the Supreme Court in Taiwan, has also published another work under the title *Hsing shih cheng chu fa* (1956), which is a much more comprehensive study of the same topic. In both cases the author has included a chapter comparing the rules of evidence as applied in the common-law countries with those in countries under the Continental legal system, as well as in Japan and in China. The free discretionary power of the Chinese judge in probating evidence, a unique feature of the Chinese legal system, is well explained. Finally, there is an interesting brief discourse by WANG P'ai-ch'i under the title *Chin tai fa lu su ch'iao yu chung kuo ku yu wan hua* (1956). Professor Wang has as his main theme the trend of modern legal thought and its influence on Chinese culture. He tries to establish the point that there is basically no dispute between the Confucianist school and the Legalist school regarding the normative rules of law, that it is only in the constructive rules of law or



in the matter of technique that they differ. He concludes by suggesting the relationship between morality and law as analogous to that of science and art, and there should be harmony of morality and law in a society, as stressed by Confucius.

A very readable textbook for students of law, *Hsing fa shih yung*, by P'AN En-p'ái, which was originally published in 1940, was reprinted in Taiwan in 1954, because of the shortage of recent publications on Chinese Criminal Law. Another practical manual on the Chinese Law of Criminal Procedure, entitled *Hsing shih su sung fa shih yung* (1953), is the work of the present Chief Justice of the Taiwan High Court, SUN Te-ching. A comprehensive compilation by the Shui-wu Sun-k'an-shi, an internal revenue periodical publishing company, entitled *Tsui hsing shui fa ch'uan shu* (1956), includes all the current income-tax laws of Taiwan, with references and citations to all the various court decisions and administrative rulings pertinent to the application of such laws. On the subject of land reform in Taiwan and its accomplishment, *Taiwan shih shih ching chieh yu ch'i tien chi shih* (1955), compiled by TENG Wan-yee, is a detailed treatment of the implementation of the land-reform law. Comparison is made with the status of land reform in Japan and on the mainland of China under the Communist regime. All the important laws and decrees in connection with the land-reform program in Taiwan are included. It is indeed a useful sourcebook for those who are interested in land-reform problems in Asia.

#### COMMUNIST CHINA <sup>12</sup>

One of the serious issues concerning the drafting of a new civil code centers around the question whether to accept the theory

<sup>12</sup> All publications mentioned in this section were issued in Peking.

of the continuity of law. It appears that the Communist regime is not clear as to the meaning of the so-called "laws of the ancient regime" and the correct attitude to be taken towards them. Is it possible to deny or otherwise to accept the inheritance of the so-called "law of the ancient regime," while at the same time keeping in step with the dogma of the Party line? Certainly, experience during the past few years seems to have sufficed to convince the regime that to adopt the Soviet civil code in its entirety is well-nigh impossible. This atmosphere of confusion and apprehension is reflected in a series of articles which have appeared in issue no. 3 (1956) of *Hua tung cheng fa hsüeh pao*, issued by the East China School of Law and Government in Shanghai, one of the few legal periodicals the Library has received from Communist China. One article, "Yen chiu ch'iao fa ti yee i ho tai t'ao," is a collective report by CH'EN Wan-p'an and others discussing the meaning of and attitude towards research on the "law of the ancient regime." It is especially important to them whether or not the forthcoming new code may incorporate some of the ideology of the old law, and what is to be done with this massive inheritance. Another article, on the question of class-consciousness and the continuity of law, is "Fa lu ti chieh chih shing ho che hsing shing," by YANG Shao-lung.

It seems that under the Chinese Communist regime, published commentaries on law and government are few and far between. Perhaps the fact that the Communist Government is still trying to rule by administrative fiat makes it difficult for anyone to approach the subject of law, which is necessarily something of more permanent value. Among the few publications that have concerned themselves primarily with the 1954 Constitution, the *Chung hua jen min kung ho kuo hsien fa*

*chiang hua* (1956), by Li Ta, is representative. From an objective point of view, it is difficult to assess the creditability of the work. In the course of explaining the Constitution, the author has distinguished himself as a faithful proponent of Party dialectics. The book begins with a survey of the various forms of constitutions and their histories; for instance, the constitution of the so-called slavery state, the feudal state, and the capitalistic state. Then a chapter is devoted to the development of the Soviet Constitution of 1936. The work closes with a panegyric on the socialistic form of constitution adopted by the regime in 1954. An effort is made to elaborate on the organization of the regime and its social composition, and material is included on rights and duties of the people. Only volume 2 of 1955 (July-December) and volume 3 of 1956 (January-June) of the recently published compilation of Communist laws and decrees, *Chung hua jen min kung ho kuo fa kwei hui pien* (1955-56), have been received. This work covers a wide range of subjects, such as the organization laws of the various government ministries, commissions, and bureaus, internal security and judicial administration, culture and science, and health and sanitation. Apart from the many other compilations of Communist laws and decrees that the Library now has in its collection, well-documented publications were received on the policy of the Chinese Communist Party and the regime's economic planning. As is common in any Communist country, the policy of the party and the economic planning of the State often have a determining effect upon the application of law. This fact is brought out by the *Chung Kuo kung ch'an t'ang ti p'ai chih ch'uan kuo tai piao ta hui wan chien* (1956), which are the documents of the Eighth National Congress of the Communist Party of China, held in Peking in

September 1956. The "Report on the Proposal for the Second Five-Year Plan (1958-1962)," and the "Report on the Revision of the Constitution of the Communist Party of China," are highlights of this collection (both in Chinese). An English translation of this work was also acquired from the Foreign Language Press in Peking.

#### JAPAN<sup>13</sup>

The Library continues to receive the *Hôrei zensho* (Law Directory) and *Kampô* (Official Gazette), which together form the up-to-date and primary source of information on recent legislation in Japan. They differ from *Roppô zensho* (Compendium of Six Codes) only in respect to the fact that they are issued officially by the government, whereas the latter is issued by private publishers. There are, in fact, at least 10 different editions of *Roppô zensho*, all bearing the same title but issued by different publishers.

Although important legal periodicals were acquired as in previous years, many were received irregularly, especially those which came through international exchange. One of the new titles is *Juristo* (the Jurist), a leading periodical edited by Professors WAGATSUMA Sakae and MIYAZAWA Toshiyoshi, and published by Yûhikaku. The international edition of the *Dôshisha Law Review*, a publication of the Dôshisha Law Association of the Dôshisha University in Kyoto, is among the new items acquired. The bibliography on law and politics issued annually by the Union of Japanese Societies of Law and Politics under the title *The Japan Science Review* is a useful tool. Issue no 7 (1956) lists all the books and articles on law and politics that appeared during 1954. The *Japan Annual of Law and Politics* (1956), issued by the same academic society, is also

<sup>13</sup> All publications mentioned in this section were issued in Tokyo.

available in the Library. It is a selected, annotated bibliography of publications on law and politics issued during 1954, which to some extent is more informative than the one in its sister publication, *The Japan Science Review*.

Among other Japanese legal materials of scholarly significance, a few titles may be of interest to the legal profession in the Western World. A casebook on the present Japanese Constitution entitled *Kempô hanrei no kenkyû* (1956), by Hasegawa MASAYASU, deserves attention. The author, a professor of constitutional law at the Nagoya University Law School, has made a critical study of this document. He elaborates on the unique character of the constitution, which lays particular emphasis on the civil rights of the people, while at the same time retaining the Tennô (Emperor) system. Some 200 decisions of the Supreme Court and the lower courts are also included. The work is the first of its kind since the end of World War II, and it is representative of the recent socialistic trend among Japanese scholars. Another interesting casebook, dealing with the decisions of the Japanese Prize Courts between 1941 and 1945, is that compiled by Hokaku Shin-kenrei Kenkyû-kai (Prize Court Decisions Research Association) under the title *Nihon kaijô hokatu shinken reishu* (1955). There are some 100 documented cases and about 1,000 other cases are cited.

On the subject of legislative history, a very comprehensive document has been presented by Prof. WAGATSUMA Sakae and seven other associates, concerning the revision of the Japanese Civil Code in the aftermath of World War II, entitled *Sengo ni okeru mintô kaisei no keika* (1956). The authors were actually members of the commission for the revision of the Civil Code (1945); they can, therefore, speak very eloquently of the history of this monu-

mental legal achievement. All relevant materials used as references in the Code Revision are collected in the text. For students of legal history of the Tokugawa era (1600-1867), a 1956 reprint of Nakada KAORU's *Tokugawa jidai no bungaku ni mietaru shihô* offers some excellent source materials. The work was originally published in 1925.

In view of the Status of Forces Treaty (1955) between Japan and the United States, research into Japanese law on criminal procedure is becoming of more interest to lawyers in this country. One of the recent works on evidence by Môri YOICHI, entitled *Jiyû shinshô-ron* (1956), is of particular interest. This particular treatise discusses in detail the principle of free evaluation of evidence by a trial judge as provided by Article 318 of the Japanese Code of Criminal Procedure (1948), which reads: "The probative power of evidence shall be left to the free discretion of a judge or judges." This scholarly work is valuable not only because of its comprehensiveness, but also for its originality. *Ginkô torihiti-ho kaisetsu* (1956), by Inoue KATSUMA, is a practical manual for lawyers and bankers who are interested in Japan's banking laws. The significant part of this work is its emphasis on court decisions, an evidence of American influence in Japanese law in the postwar period. *Genkô shoshiki zensho* (1956), compiled by Hosei Kenkyn-kai, is an up-to-date, thorough compilation of current legal forms in Japan.

#### REPUBLIC OF KOREA <sup>14</sup>

The *Kwanbo* and other official publications of the government, such as the records of the National Assembly, were received sporadically. The *Pôpjông*, one of the better known legal periodicals which

<sup>14</sup> All publications mentioned in this section were issued in Seoul.



is published monthly by the Pöpjöng-sa, has been acquired. Perhaps the most important receipt of the year was a five-volume collection of Supreme Court decisions, the *Taepöpwön p'allye-chip* (1956), compiled by the Taepopwon (Supreme Court). These Supreme Court decisions concern themselves mostly with civil cases, with the exception of eight, which are of administrative rulings. They cover the period from 1948 to 1955. In view of the fact that there has been no other compilation of this kind since the founding of the Republic in 1948, the set is significant to those who are interested in the law of Korea. There were also some law directories and official publications of lesser importance among the legal materials acquired.

A rather comprehensive collection of laws and decrees of the Republic is the *Taehan minguk pöpkwu-chip* (1954), compiled by the Pöpchasil. The compilation, which not only contains all the laws and decrees enacted by the present government but also includes all the old (defunct) legislation with its sources, is classified in 18 sections according to subjects. It is a useful and practical manual. In an ef-

fort to standardize legal forms for various procedures, the Supreme Court has compiled two sample collections, the *Hanguk tūngkai yegyu mit sösik chönjip* (1955), and the *Hanguk hojök mit kiryu yegyu chönjip* (1955). A commentary on the Constitution of the Republic, the work of HAN Ung-gil, is *Honpöpp wollen* (1955). For students of civil law, a textbook by Yi Yong-söp entitled *Minpop ch'ongch'ük kangüi* (1955) deserves mention, particularly for his discussion of the draft Civil Code (now pending adoption by the National Assembly) and his various recommendations for its improvement. In the realm of jurisprudence, Yi Hang-Nyöng's *Pöp-ch'ölhak kaeron* (1955) is a comparative study of the legal philosophy of the Occident and the Orient. The author maintains that the legal thinking of the Orient is essentially one of moral law derived from Confucian ethics, whereas the Occident is influenced entirely by Christianity and natural science. Various Korean translations of well-known Western legal works, such as Roscoe Pound's *Interpretation of Legal History* and Hans Kelsen's *Pure Theory of Law*, were also among the legal materials received.

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